

VOLUME-I

INDEX

Sl. No.	Particulars	Pages
1.	Counter affidavit on behalf of the Respondent No.1 to 7	1-226
2.	<u>ANNEXURE R-1</u> A true copy of the notification dated 03.03.2006	227-228
3.	<u>ANNEXURE R-2</u> A true copy of the notification setting up the processes committee datd 03.07.2006	229-230
4	<u>ANNEXURE R-3</u> A true copy of the constitution and terms of reference of the EGoM dated 04.12.2006	231-233
5	<u>ANNEXURE R-4</u> A true copy of the minutes of meeting dated 27.11.2007	234-242
6	<u>ANNEXURE R-5</u> A true copy of the minutes of meeting dated 28.01.2008	243-251

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)
WRIT PETITION (C) No. 37 of 2015

IN THE MATTER OF:

MATTHEW THOMAS

.. PETITIONER

VERSUS

UNION OF INDIA & ORS

.. RESPONDENTS

COUNTER AFFIDAVIT ON
BEHALF OF RESPONDENT No's 1 TO 7

I, Ghanraj Singh Shekhawat s/o. Late Shri Govind Singh Shekhawat, aged about 46 years, authorized signatory of the Respondent No.1 having its registered office at North Block, do hereby solemnly state and affirm as under:

1. That I am working as Director with Respondent No. 1 and as such I am fully conversant with the facts of the present case from the records maintained by the Respondent No. 1. I am therefore competent to affirm the present affidavit on behalf of Respondent No. 1 and Respondent No's 2 to 7 with their due authorisation.
2. That I have gone through the contents of the Writ Petition and at the outset deny each and every contention, allegation and averment made in the Writ Petition and the same shall be deemed to be specifically

traversed and denied unless expressly admitted by me hereinafter.

3. That Article 21 has been widely interpreted to recognise the Right to Identity as a basic human right, which has also been recognized by the United Nations in Article 6 of the Universal Declaration of Human Rights, 1948. Thus, in order to ensure the Right to Identity, the Respondent No. 1 proposed a Unique identity program and established the Unique Identification Authority of India ("UIDAI") in 2009 with the objective to provide a unique identification number ("UID") through the UID Scheme/ Aadhaar Scheme to every person residing in India. The UID Scheme was introduced for delivery of various services along with other legitimate purposes within the realm of the Constitution. The allegation of the Petitioner that such an identification program violates fundamental rights of the residents of India is entirely misconceived, baseless and untenable in law.

4. I state that the present Writ Petition filed by the Petitioner above named is totally misconceived in law and facts. Before adverting to the para-wise reply, the Answering Respondent craves leave of this Hon'ble Court to make the following preliminary submissions for its consideration:-

PRELIMINARY SUBMISSIONS:

A. WRIT PETITION IS NOT MAINTAINABLE AND THE PETITIONER IS NOT ENTITLED TO ANY RELIEF

5. I respectfully submit that the present Writ Petition is barred by delay and laches as the present Writ Petition was filed sometime in the year 2014, whereas, the Unique identity program often referred to as the UID Scheme was set up as early as January 2009 under the aegis of the UIDAI. It is pertinent to note that the information with regards to the UID Scheme was in the public domain since the year 2006.
6. The Petitioner has filed the present Writ Petition when the UID Scheme is at its peak, as a total of 80.46 Crores UID numbers have been generated as on 31-03-2015 on enrolments done voluntarily by the residents. Also, it is pertinent to bring to the notice of this Hon'ble Court that the Respondent has so far incurred an expenditure of Rs. 5980.62 Crores as on 31-03-2015. Further, several MOU's have also been signed with a total of 36 states and Union Territories as well as various Central Ministries/Departments for implementation of such a Unique identity scheme.
7. It is submitted that UID Scheme also being in the nature of a welfare scheme of socio-economic nature was implemented for the well-being of the residents of the country and aimed at the upliftment of the lower strata of society. The Petitioner cannot be permitted to come at such a belated stage, to challenge the

constitution and institution of such a scheme. It is further submitted that huge investment has also been incurred by the State Exchequer in the implementation of such a Unique identity scheme and in the enrolment of more than 80 Crore residents. It is relevant to note, that this Hon'ble Court has heavily come down upon litigants who in the garb of Public Interest Litigation ("PIL") approach the Court at a belated stage after much public investment has gone into the project as has been held by this Hon'ble Court in the case of *Narmada Bachao Andolan v. Union of India*, (2000) 10 SCC 664, where the value of investments made was recognized whilst dealing with a PIL filed at a belated stage and observed as under:

"46. ...It has been in existence since 1986 but has chosen to challenge the clearance given in 1987 by filing a Writ Petition in 1994. It has sought to contend that there was lack of study available regarding the environmental aspects and also because of the seismicity, the clearance should not have been granted....."

47. The project, in principle, was cleared more than 25 years ago when the foundation stone was laid by late Pandit Jawahar Lal Nehru. Thereafter, there was an agreement of the four Chief Ministers in 1974, namely, the Chief Ministers of Madhya Pradesh, Gujarat, Maharashtra and Rajasthan for the project to be undertaken..... the Government did in 1987 finally give environmental clearance. It is

thereafter that the construction of the dam was undertaken and hundreds of crores have been invested before the Petitioner chose to file a Writ Petition in 1994 challenging the decision to construct the dam and the clearance as was given. In our opinion, the Petitioner which had been agitating against the dam since 1986 is guilty of laches in not approaching the Court at an earlier point of time.

48. When such projects are undertaken and hundreds of crores of public money is spent, any individual or organisation in the garb of PIL cannot be permitted to challenge the policy decision taken after a lapse of time. *It is against the national interest and contrary to the established principles of law that decisions to undertake developmental projects are permitted to be challenged after a number of years during which period public money has been spent in the execution of the project."*

(Emphasis supplied)

This Hon'ble Court in *Raunaq International v. IVR Construction Ltd*, (1999) 1 SCC 492, has also held that

"17. Normally before such a project is undertaken, a detailed consideration of the need, viability, financing and cost-effectiveness of the proposed project and offers received takes place

at various levels in the Government. ***If there is a good reason why the project should not be undertaken, then the time to object is at the time when the same is under consideration and before a final decision is taken to undertake the project.*** If breach of law in the execution of the project is apprehended, then it is at the stage when the viability of the project is being considered that the objection before the appropriate authorities including the court must be raised. We would expect that if such objection or material is placed before the Government, the same would be considered before a final decision is taken. It is common experience that considerable time is spent by the authorities concerned before a final decision is taken regarding the execution of a public project. This is the appropriate time when all aspects and all objections should be considered. ***It is only when valid objections are not taken into account or ignored that the court may intervene. Even so, the court should be moved at the earliest possible opportunity. Belated petitions should not be entertained.***"

(Emphasis supplied)

8. It is further submitted that the Petitioner has already filed an Impleadment Application in W.P No. 833/2013 titled Aruna Roy Vs Union of India & Ors. which is currently pending before this Hon'ble Court. It is

submitted that the issues agitated in the Impleadment Application and the instant Writ Petition are similar.

9. It is also pertinent to state that the present Writ Petition is motivated out of personal interest and is merely a way to circumvent the costs of Rs. 50,000/- imposed on the Petitioner and another co-petitioner by the Sessions Court, at Bangalore in O.S. 8181 of 2012 vide its order dated 03.07.2012 for making challenge to the UID Scheme by way of a Suit and thereby abusing the process of the Court, as it is only for Constitutional Courts to adjudicate upon the constitutional validity of schemes.
10. It is further submitted before this Hon'ble Court that the Petitioner has already filed a Regular First Appeal (RFA) No 1825/2012 against the said order of the Ld. Civil Judge dated 03.07.2012 and the appeal is presently pending before the Hon'ble High Court of Karnataka. It has been stated in the RFA that "At the outset the appellant submits that this appeal is not about the merits or demerits of the UID Scheme of the respondents, but only about the illegality of rejection of the appellant's suit in the aforesaid case rejected under Order VII Rule II."
11. The Petitioner has also failed to disclose in the instant Writ Petition that the Hon'ble High Court of Karnataka, vide its Order dated 22-04-2014 in the matter, has directed as follows:

"The operation and execution of the Judgment and decree under appeal are stayed subject to the appellants in both the appeals depositing Rs. 25000/- each with this Court within two weeks from today."...

..."if the appellants fail to comply with this order, the interim stay would cease to be in force. ""

12. The Petitioner has already filed an appeal before the Karnataka High Court and continues to be in violation of the Hon'ble High Court's directions dated 22.04.2014. Further, the Petitioner has neither sought nor obtained any stay against the directions of the Karnataka High Court. Accordingly it is humbly submitted that a writ of Certiorari, as prayed by the Petitioner in Prayer (b) of the instant Writ Petition, against the order dated 03.07.2012 passed by the Ld XVI Addl City Civil and Sessions Judge, Bangalore in O.S. No 8181 of 2012, is not maintainable before this Hon'ble Court.
13. It is submitted that the Petitioner had also filed a Contempt Petition No 144 of 2014 before this Hon'ble Court which was duly disposed of vide order dated 30.4.2014 holding that no contempt was required in respect of collecting the demographic data for LPG cylinders.
14. Further, it is brought to the notice of this Hon'ble Court that the Petitioner has also filed a Writ Petition (Civil) No 9143/2014 before the Hon'ble High Court of Delhi against the order of Central Information

Commission (CIC) dated 21.10.2013 and the matter is listed for admission on 05.05.2015. It is submitted that the Petitioner has consciously and mischievously concealed this fact before this Hon'ble Court by not mentioning the Petition filed before the High Court of Delhi, wherein Petitioner has inter-alia alleged that CIC and UIDAI acted in unison to deny information. It is further submitted that as the merits of the matter would be duly considered by the Delhi High Court there is no cause to agitate this issue before the Apex Court at this stage. The orders passed by the CIC have been complied with and information pertaining to the contract and price quoted by the third party firms have been provided to the Petitioner vide letter No. 12013/39/2011-Tech (RTI) dated 22-10-2014. Still the Petitioner has preferred this Writ Petition (W.P No. 9143/2014) before the Delhi High Court.

15. From the above, it is clear that the present Writ Petition is not maintainable in as much as the Petitioner is resorting to bench hunting or forum shopping, a practice which has been strongly condemned by this Hon'ble Court. Also, the Petitioner has mischievously concealed relevant facts with malafide intention to obtain favourable orders from this Hon'ble Court.

B. THE WRIT PETITION IS MISCONCEIVED AND THE PETITIONER HAS NO LOCUS STANDI TO CHALLENGE THE VIRES OF THE UID SCHEME.

18. It is humbly submitted the present Writ Petition is misconceived as the UID number issued to the residents under the UID Scheme enforces the right to identity.
19. It is submitted that the Petitioners have no *locus standi* to question the *vires* of such unique identity scheme, which is intended to benefit the entire population of India. As on 31-03-2015 over **80.46 crore UID numbers** have been generated for the residents enrolled voluntarily and with "informed" consent. It is submitted that the right to identity of the vast majority of residents cannot be impinged upon by a handful of Petitioners whose rights are in no way affected since they may not have enrolled themselves for such a unique identity scheme. This is a classic case where crores of individuals who have enrolled for the scheme have not complained of violation of any fundamental right, while a handful of individuals who are not aggrieved by the scheme are questioning its *vires* and consequently, the benefits it seeks to make available to the poorer and weaker sections of society in particular.
20. It is therefore submitted that the present Writ Petition is not maintainable in the glaring absence of any palpable violation of any right, fundamental or legal, of individuals who have voluntarily enrolled for the UID Scheme with informed consent. It is well-settled that a Petitioner will not be entitled to relief under Article 32, unless he establishes that his fundamental

right has been violated or imminently threatened (See **Andhra Industrial Works v. Chief Controller of Imports (1974) 2 SCC 348** at page 352).

21. It is humbly submitted that Public Interest Litigation is a mechanism to ensure justice for the poor and marginalized population whose fundamental rights have been violated but who are unable to move the Court for relief. It is submitted that in the present case, the Petitioners cannot be given the status of standing in representative capacity on behalf of the majority of the population, which is fully capable of voicing its concerns with regard to violation of fundamental rights, if any. Undoubtedly, in PIL proceedings, representative standing has been expanded to the disadvantaged groups of persons who were not "free" to approach the courts due to economic and social factors rather than physical restraint. However, such representative standing cannot be expanded to cover situations where no actual violation of fundamental rights has taken place but which hinge purely on hypothetical scenarios, conjectures and predictions. [**S. P. Gupta vs. Union of India (1981) Supp SCC 87**, this Hon'ble Court has held (at page 207, para 16):]

22. The Writ Petition is not maintainable as the issues raised in the Writ Petition are simply issues of policy which squarely lie in the domain of the Government and the Petitioner cannot be permitted to suggest or determine what or which policy of identification would

be better. Such a Unique Identity Scheme has been formulated after a long thought out and discussed process as such a scheme ensures that the benefits/subsidies to the individual residents gets distributed in a proper and timely manner and also aims to plug the leakages in the system. Such policy decisions cannot be questioned by the Petitioner in the garb of a Writ Petition / Public Interest Litigation like the present one.

C. THE UNIQUE IDENTITY SCHEME HAS BOTH CONSTITUTIONAL AND LEGAL BASIS.

27. It is submitted that the argument of the Petitioner that such a unique identity scheme is ultra vires is completely misconceived as the Petitioner has overlooked the scope and ambit of Article 73 of the Constitution of India in terms of which the power of the Executive is coextensive with the Legislative power of the State. The Executive has the power under the said Article 73, to formulate a policy even when a bill is pending before the Parliament. Article 73 of the Constitution of India is extracted herein below for ease of reference:

"73. Extent of executive power of the Union. -

- (1) *Subject to the provisions of this Constitution, the executive power of the Union shall extend -*
- (a) *to the matters with respect to which Parliament has power to make laws; and*

- (b) *to the exercise of such rights, authority and jurisdiction as are exercisable by the government of India by virtue of any treaty or agreement:*

Provided that the executive power referred to in sub clause (a) shall not, save as expressly provided in this constitution or in any law made by Parliament, extend in any State to matters with respect in which the Legislature of the State has also power to make laws

- (2) *Until otherwise provided by Parliament, a State and any officer or authority of a State may, notwithstanding anything in this article, continue to exercise in matters with respect to which Parliament has power to make laws for that State such executive power or functions as the State or officer or authority thereof could exercise immediately before the commencement of this Constitution Council of Ministers"*

28. The unique identity program through the UIDAI and the UID Scheme have been set up under a Notification of the Central Government dated 28.01.2009 which is in exercise of the powers of the Executive under Article 73. The power under Article 73 being concomitant and co-extensive with the power of the Parliament under Article 245 read with Article 246 of the Constitution, no further law is necessary for the operation of the UID Scheme and the enrolment of persons under the same. The subject-matter of the

UID Scheme is relatable to the basic fundamental right to identity as enshrined in the UDHR and therefore would fall under Entries 13 & 14 of List 1 or Entry 97 of List 1 of the Constitution of India.

29. The issue as to whether the executive can, by way of an executive order, formulate a policy even when a Bill is pending before the Parliament, was considered in ***Rev. Fr. Joseph Valamangalam & Others vs State of Kerala*; AIR 1958 Kerala 290**, where it was held that the fact that the legislature is in the process of making a law governing the matters covered by the policy/orders does not in any manner affect the executive power of the State in respect of such matters until the law is actually made. (Also see ***Ram Jawaya Kapur, Rai Sahib vs State of Punjab*; AIR 1955 SC 549**, ***Sangawan Col A.S. vs Union of India*; AIR 1981 SC 1545**)

30. It is submitted that where the Constitution does not require an action to be taken only by legislation or there is no existing law to fetter the executive power of the Union or the State as the case may be, the Government would not only be free to take such action by an executive order or to lay down a policy for the making of such executive orders as occasion arises, but also to change such orders or the policy itself as often as the government so requires subject to the condition that such change must be made in the exercise of a reasonable discretion and not

arbitrarily. The making or changing of such order is made known to those concerned and it complies with Article 14, so that persons equally circumstanced are not treated unequally.

31. It is submitted that formulating the UID Scheme under the Planning Commission was not to circumvent the normal accountability process. The Planning Commission like all other Ministries / Departments of Government is equally answerable to the Parliament through the Minister in charge. The Demand for Grants of the Planning Commission is also approved by the Parliament. The resolution of the Planning Commission in 1950 states that the work of the Planning Commission will affect decisively the future welfare of the people in every sphere of national life. To meet this end, the Government has been running various social welfare schemes for the marginalised and poor people of the country. However it was observed that the benefits were not reaching to a large number of people primarily the poorest and the most deserving, at the bottom of the pyramid for want of being able to prove their identity to service providers and agencies that dispense such benefits. It is then that the Government took a conscious decision to identify its resident through such a unique identification program and created UIDAI under the aegis of erstwhile Planning Commission. Article 73 and 162 of the Constitution of India provides that, the Government is not debarred from exercising its executive power in the areas which are not regulated

by specific legislation. It is the prerogative of the Government in discharging its executive function to allocate the work / department at the place where it is most suited.

Right to Identity is a Fundamental Right

32. It is respectfully submitted that there is no violation of any fundamental rights as is being alleged by the Petitioner. The numerous allegations that the UID Scheme violates Article 21 and the right to privacy are completely unfounded, baseless and misconceived.
33. It is submitted that the actions of the Government in no way whatsoever undermine human dignity rather it is an enabler of a life of dignity. The right of identity is a facet of Article 21 and that the unique identity scheme is a step forward in ensuring Right to Identity and thereby fortifying Article 21. It is submitted that as pointed out hereinbefore, the UID Scheme was, inter alia, conceived and designed to address the 'mammoth and crucial problem of lack of unique identity in the country which was crippling the delivery mechanisms of, the State in its reaching to the intended beneficiaries. The social welfare programmes initiated by the Government did not make the desired impact because of the lack of beneficiaries' identification and also because of duplication and fake identities prevailing in the country. In this background, a single universal identity system was conceived as a transformational step in eliminating fraud and duplicating identities. It is, thus, submitted

that such a unique identity scheme is a great boost to providing and boosting identity of persons thereby fortifying the right under Article 21.

34. It is submitted that the right to identity is an inherent part of Article 21 and imperative for a meaningful right to life. The Right to Identity is a fundamental human right recognized under the Universal Declaration of Human Rights, 1948. Article 6 of the UDHR states as follows: *"Everyone has the right to recognition everywhere as a person before the law."*

35. The unique identity scheme is an initiative to recognize and further the fundamental right to identity which would provide identification for each resident across the country and could also be used for efficient delivery of welfare schemes. Therefore, when such a measure is taken in furtherance of Article 21, it would be futile to argue that it has no constitutional or legal sanction.

Duty of the State to identify its residents under the Directive Principles of State Policy

36. It is submitted that the introduction of the UID Scheme falls within the realm of positive duties that must be discharged by the State in furtherance of Part IV of the Constitution. Moreover, this UID Scheme for

giving unique identity to the residents is also in furtherance of the Directive Principles of State Policy, namely Articles 38, 39 (b) (c), 46, 47, 51(c). The use of the UID number will be helpful to verify that a resident is indeed entitled to and is properly availing of social welfare measures carried out in public interest. It would also be helpful in safeguarding the interests of the marginalized sections of society who are otherwise deprived of these benefits when they are unable to establish their identities.

37. It is submitted that the Petitioner's arguments are premised on the concept that the State has negative duties or duties of restraint towards the citizens/right bearers. That is to say, if a citizen has a right to privacy, the corresponding duty on the State is to not interfere with that right, i.e. a negative duty of restraint. However, a blinkered emphasis on this aspect fails to account for the welfare nature of State wherein this Hon'ble Court has read into the Part III rights, various corresponding positive duties on the State. Professor Sandra Fredman of the University of Oxford in her pioneering book *Human Rights Transformed*, Oxford University Press, 2009 elaborately draws upon the rich Indian jurisprudence evolved by this Hon'ble Court to argue that the understanding that human rights traditionally means protecting individual freedom against intrusion by the State requires radical revision. Human rights are based on a far richer view of freedom, which goes beyond being let alone, and instead pays attention to

individuals' ability to exercise their rights. The Petitioner's argument fails to consider positive duties on the State, which reflects the elite nature of the Petitioners, who are more concerned with rights of privacy over say, right to food, or right to receive targeted subsidized LPG. It is humbly submitted that this petition is not representative of the larger population of India, which is demonstrated from the fact that more than 80 Crore residents of India have voluntarily enrolled for Aadhaar with full and informed consent.

38. It submitted that in implementing the UID Scheme, the Government is seeking to discharge its positive duties with better efficiency enshrined under the Directive Principles of State Policy as enumerated under the following Articles of the Constitution:
- a. Article 38 – State to secure a social order for the promotion of welfare of the people
 - b. Article 39(b) – The State shall, in particular, direct its policy towards securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common good.
 - c. Article 39(c) – The State shall, in particular, direct its policy towards securing that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.

- d. Article 46 – Promotion of educational and economic interests of the Scheduled Castes, Scheduled Tribes and other weaker sections.
- e. Article 47 – Duty of the State to raise the level of nutrition and the standard of living and to improve public health.
- f. Article 51(c) – The State shall endeavour to foster respect for international law and treaty obligations in the dealings of organised peoples with each other.

39. It is emphatically submitted that the unique identity program also known as the UID Scheme has requisite statutory backing and has been devised carefully after considering all issues concerning privacy and other fundamental rights of those to be enrolled as well as a whole range of necessary statutory and other safeguards. It is pertinent to mention here that similar identity programs are operational in several countries around the world such as Brazil, South Africa, Kenya and Mexico as it is duty of the State to identify its residents.

D. RIGHT TO IDENTITY AND NOT CITIZENSHIP

40. The pioneering initiative of such a unique identity scheme by providing a lifelong identifier to a resident, in practice is yielding rich dividends in the form of effective service delivery to marginalized groups. Also, the Government is making a framework ensuring

complete transparency, reducing fraud and corruption as well as providing savings on account of weeding out of ineligible beneficiaries.

41. The 1933 Montevideo Convention on the Rights and Duties of States specifically defines statehood as under: -

"The state as a person of international law should possess the following qualifications: a permanent population; a defined territory; government; and capacity to enter into relations with the other states."

Therefore the State should identify its citizens. Government is well within its power to create unique identities for its citizens and providing Aadhaar to all residents is the first step towards it. The person who fulfils the due process will be registered as citizen in National Register of Indian Citizens (NRIC). The collection of biometrics is just one process in the chain of processes laid down by the Central Government for the creation of National Population Register (NPR). The authentication of the citizenship particulars of every resident before they become a part of the NRIC, is *sin-quo-non*. Aadhaar essentially captures the biometric details which forms sub-strata of basic information. The NPR seeks 15 items information including biometric authentication. Therefore Aadhaar enables all residents to be integrated in the NPR based on eligibility Under Section 14A of the Citizens Act.

42. It is further submitted that Section 14A of the Citizenship Act, 1955, on which the Petitioner relies upon to submit that the UID Scheme is unconstitutional, is unfounded as the UID Scheme is not a product of Section 14A of the Citizenship Act, 1955. The UID Scheme is not a means to obtain citizenship of the country rather, it is only a scheme to provide identity to a resident of the country so that persons from all strata of society have access to government benefits / subsidies as well as to prove their identity in the public as well as the private sector. Therefore, the contention of the Petitioner that Section 14A is ultra vires on the basis that enrolment into the UID Scheme is violative of Articles 14 and 21 of the Constitution of India is not maintainable.
43. It is pointed out that Section 14 A of the Citizenship Act, 1955 was enacted with the provision that the Central Government may compulsorily register every citizen in the country and maintain a National Register of Indian Citizens and issuing Unique identity cards, which arose from an appreciation of the threat perception arising out of illegal migration. The first attempt to issue identity cards was taken up in 1986 in the border areas of Rajasthan. It was proposed to be extended in Gujarat, West Bengal and certain North Eastern states. For this, the Special Areas Bill, 1993 was introduced in the Parliament, but the Bill was lapsed. In the year 2000, the Kargil Review Committee in its report on "Reforming the National Security System" specifically recommended the compulsory registration of citizens and non-citizens

living in India, the preparation of National Register of Indian Citizens and the issuance of a Multi-purpose National Identity cards. In the year 2001, a Group of Ministers accepted the recommendation of the Kargil Review Committee. It was in this background that the Citizenship Act, 1955 was amended by inserting Section 14A. Therefore, it is respectfully submitted that the introduction of Section 14A was done after due deliberation and extensive consultation and by also following the due process of law.

44. The object behind the incorporation of Section 14A and the object of the UID Scheme are different as has already been discussed herein above and therefore the contention of the Petitioner that Section 14A is ultra vires and is violative of Article 14 and 21 of the Constitution of India, is not maintainable under law.

**E. RIGHT TO PRIVACY AND DATA PROTECTION IS A
PARAMOUNT** ✓

45. it is submitted that the protection of the privacy of citizens is primary concern of the government and Government has adopted multi-pronged approach as enumerated below to tackle the issue: -

- (i) Legislative provision: Government has enacted Information Technology Act, 2000 which has provisions checks against misuse of any kind of data (biometric as well as demographic). data theft, identity fraud, impersonation etc., are addressed under Section 66 [Computer Related

Offences], Section 66C [Punishment for Identity Theft] and Section 66D [Punishment for Cheating by Personation by Using Computer Resource] of the IT Act.

(ii) UID Scheme ensures data security through three concurrent aspects i.e. technological, process/physical and legal. UIDAI has put in place a comprehensive framework for protection and security of residents' data and ensuring maximum accountability and transparency in the entire process of collection and encryption of data. The encryption technology used is 2048 bit encryption which is the strongest available encryption. Detailed security provisions are elaborated in succeeding paras.

(iii) Although, there is no dedicated privacy legislation in India, but the Courts have developed rich constitutional jurisprudence to protect the privacy rights of the citizens. ✓

(iv) The Government is committed to bring legislation on Right to Privacy which is at consultation stage and till such time that a legislation specific to data protection is enacted, all data protection issues are covered by the provisions of IT Act and Indian Penal Code.

46. The draft NIDAI Bill finalized by the Government provides for an Identity Review body to ascertain the extent and pattern of usage of the UID number. The report of this committee will be laid before each house of the parliament. The UIDAI itself is subject to audit

by the Comptroller and Auditor General of India. Further the UIDAI is fully within the ambit of the Right to Information Act. Clearly, robust safeguards are being adopted to safeguard information related to Aadhaar and its usage.

47. It is submitted that the UID Scheme is the unique identification project launched by the Government of India and is being implemented by the UIDAI along with Respondent No. 1. It is submitted that, UID number is a 12-digit unique number which is issued to all residents in India on a voluntary basis. The number is stored in a centralized database and linked to the basic demographic and biometric information - photograph, ten fingerprints and both iris - of each individual. It is verifiable in an online, cost-effective way. It is unique and robust enough to eliminate the large number of duplicate and fake identities in Government and private databases. The random number generated is devoid of any intelligence and does not profile people based on caste, religion, income, health and geography.
48. By its very design, the technology architecture of the UID Scheme precludes profiling individuals for tracking their activities including purpose for which they may have used Aadhaar. The UID Scheme is not designed to collate and pool various data and hence does not become a single central data repository having all knowledge about residents. The UID Scheme is designed to allow domain specific.

applications and database to be built as a layer on top of UID by the respective owners of those systems. This design eliminates the UID Scheme having all domain specific transaction data and hence resident's specific transactional data remains federated across many service provider databases rather than centralization into a common database. The process of UID seeding is strictly a one-way linkage wherein the UID number is incorporated into the beneficiary database without pooling any data from the said database into the UID database. For example, while opening a bank account, while the Bank will have only the UID number, the Respondent will not be privy to any of the data held by the Bank neither will have any details of transactions of banking nature.

49. As mentioned above, the UID Scheme makes sure that there is never any tracking of any transaction and there is full end to end transparency in any kind of resident transaction. However the record of transactions will be available to the resident only and shall be governed by applicable laws. It is vehemently denied that the agencies of the government will track individuals on a real time basis using UID data for surveillance.
50. The general principles relating to data privacy are largely adhered to by clear Information, Communication and Education (IEC) campaign that precedes enrolment camps that the enrolment is for specific purpose of issuance of UID and its usage as

identity and as a valid address proof, which is so essential for availing services and benefits from the Government as well as other service providers like telecom, banks etc. During the stage of enrolment, the residents are asked clearly about data sharing for welfare and benefits with agencies as well as if the residents would like the respondent to facilitate opening of a new Bank/Post Office Account linked to his UID number and have no objection to sharing his information for this purpose. This choice of the resident is adhered to. Further the residents have the option to revise their consent subsequently.

51. As has been submitted earlier, the demographic data collected are very elementary in nature. For any Identity document to be useful, the photograph is a requirement. The collection of both fingerprint and iris are conditioned by the poor fingerprint amongst some segment of population involved in manual labour. Use of Iris pattern assists such population specifically. The use of both fingerprint and iris also assist attaining the objective of inclusion of all, e.g. manual labourers with poor fingerprints get their Aadhaar by de-duplication from fingerprint and iris pattern, maximum accuracy in de-duplication and minimal hardship to the residents.

52. The resident always has/will have access to his authentication records and also the Self Service Updation Portal (SSUP) and the Permanent Enrolment

Centres (PECs) provide the Resident with an opportunity to update his information regularly. This will include choice to the Resident to review the consent he had provided earlier. Further the data being encrypted ensures its security. The Respondents have not shared residents information unless consented by the resident at the time of enrolment or subsequently.

53. It is submitted that the contention of the Petitioner that the UID Scheme facilitates surveillance and tracking is completely baseless and stems from ignorance of scope, ambit of the Aadhaar and the technology used therein. As a matter of policy and by design the UIDAI precludes itself from aggregating information arising from the use of UID, tracking and profiling individuals and the system by intent is blind to the purpose for which UID may be used at the front end by the resident.
54. It is submitted that the UID Scheme is meant to improve the service delivery system. It is submitted that this Project seeks to do away with fake identities who were earlier pilfering the benefits of several welfare schemes from reaching the intended beneficiaries of such schemes. The genesis of the problem of fakes and duplicates in fact lies in the practice of residents providing multiple forms of identification while availing various services/government benefits alluded to by the Petitioner and the use of UID is intended to tackle

such misuse by being a common identifier. It is submitted that the apprehension of the Petitioner of the surveillance is a baseless imagination which in the guise of praying for stopping fictitious activity alluded by the Petitioner, indeed intends to hamper a well-conceived idea of the Government for a valid unique ID and an effective service delivery tool.

55. It is submitted that the Government has always paid close attention to the subject of data protection. The Government is determined to bring legislation on Right to Privacy which is at consultation stage and till such a time that legislation specific to data protection comes about, all data protection issues are covered by the provisions of Information Technology Act, Indian Penal Code and other existing laws.

It is further pertinent to state here that till date no case of data theft and data security violation with respect to the unique identity program often referred to as the UID Scheme has been reported as the Respondent No 1 has laid down the stringent guidelines for data protection and security enunciated in the paragraphs herein below.

GUIDELINES FOR DATA PROTECTION AND SECURITY

56. The Petitioner in the present Writ Petition has alleged that the personal data collected under the UID Scheme is not secure and is subject to misuse by other companies. It is submitted that the Respondent

recognizes the importance of protection of sensitive personal data that is parted with by residents and has put in place a comprehensive framework for protection and security of such data.

57. Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011, framed under the Information Technology Act, 2000 which governs the collection, processing and disclosure of sensitive personal information and Indian Penal Code and other existing laws. The Information Technology Act, 2000 also provides for imposition of penalties as compensation and imprisonment for violating provisions of law pertaining to the individual's personal data.

The aforesaid Rules, 2011 define "Biometrics" as:

".....the technologies that measure and analyse human body characteristics, such as 'fingerprints', 'eye retinas and irises', 'voice patterns', 'facial patterns', 'hand measurements' and 'DNA' for authentication purposes."

58. Further, even in case of data theft, identity fraud, impersonation etc., the same can be addressed under the following provisions of the IT Act:

Section 66. If any person, dishonestly or fraudulently, does any act referred to in section 43, he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to five lakh rupees or with both.

Explanation – For the purposes of this section,-

- (a) The word “dishonestly” shall have the meaning assigned to it in section 24 of the Indian Penal Code;
- (b) The word “fraudulently” shall have the meaning assigned to it in section 25 of the Indian Penal Code.

Section 66C. Whoever, fraudulently or dishonestly make use of the electronic signature, password or any other unique identification feature of any other person, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to rupees one lakh.

Section 66D. Whoever, by means of any communication device or computer resource cheats by personation, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to one lakh rupees.

- 59. The guidelines issued by the Respondent in this respect are binding on the Registrars and Enrolment Agencies and failure to adhere to the same will attract legal action under provisions of the Information Technology Act and Rules. It is emphasized that the Registrars and Enrolment Agencies authorized by the Respondent to collect the demographic and biometric data of residents can only transmit it to data centres owned and maintained under the strict control and supervision of the Respondent and the Registrars and

Enrolment Agencies cannot access such information in the UID database.

60. It is reiterated that the safeguards put in place by the Government to ensure maximum accountability and transparency in the entire process of collection and encryption of data, spanning from providing standardized software that encrypts entire data even before saving to any disk, protecting data using tamper proofing, identifying every one of the of operators in "every" enrolment, identifying every one of thousands of machines using a unique machine registration process, which ensures every encrypted packet is tracked. The fool-proof measures of security in place to ensure security and integrity of the data collected is elaborated hereinafter.
61. The contentions of the Petitioner in Para 8 that data collected of individuals under the UID Scheme is not secure is completely false and erroneous. It is submitted that the Government has taken all necessary safeguard measures spanning from providing standardized software that encrypts entire data even before saving to any disk, protecting data using tamper proofing, identifying every one of the of operators in "every" enrolment, identifying every one of thousands of machines using a unique machine registration process, which ensures every encrypted packet is tracked.

62. The data collected during enrolment by the Government through the data collection software ensures that the resident data including raw biometrics is encrypted using strong encryption technologies before even saving to any disk.
63. The Data collection software, termed as the 'Enrolment Client Multi Platform' (ECMP) Software, used at the time of enrolment, is developed, owned and maintained centrally by the Respondent. All Enrolment Agencies, numbering almost 250 agencies, including BEL under the Registrar General, India are necessarily required to use this software only. As such, the allegation of the Petitioner that BEL/RGI uses software developed by foreign companies is completely baseless and is directed at misleading this Hon'ble Court.
64. Any user of the client needs to authenticate each enrolment with a biometric sign off, a highly secure confirmation. The biometric Information is encrypted and then stored. Hence the operator has no access to this information. The encryption system follows a private key/public model. The private key is available only with the Government. Hence, even if data packets are lost, the biometric information regarding the same cannot be accessed and hence cannot be misused. It is submitted humbly that the Central and state government bodies, have, from time to time, collected biometric information from residents, and

yet no system in the past has shown such a high degree of focus on the data security requirements from the start to the finish as has the UID Scheme.

65. The biometrics available with the Respondent under the UID Scheme are not shared with anyone. Only a 'Yes/No' response is given at the time of authentication only through biometric or One Time Password (OTP) sent on the resident's mobile number registered with the Government. The Respondent has an active data security policy that addresses all aspect of data collection, data handling and data storage. It is denied that the biometric information used can be accessed or used without any protection to the individual or that it can fall in the hands of foreign Governments. The security and integrity of the data have been enshrined in the UID Scheme Strategy.
66. It is humbly submitted that Data Security and Privacy have always been of paramount concern for the Government. The technical architecture of the UID Scheme has been structured to ensure clear data verification, authentication and de-duplication, while ensuring a high level of privacy and information security. The UID Scheme ensures data security through three concurrent aspects i.e. Technological, Process / Physical and legal.

67. It is highlighted before the Hon'ble court that UIDAI is a technically mature organization with a high level of competence and a strong culture of self-audit. The UIDAI uses state of the art 2048 bit encryption technology, which is the strongest available encryption method, making it virtually impossible to decrypt and extract any information.
68. Further, it is submitted that UIDAI is conscious that ensuring data security is an ongoing process and is strongly committed in undergoing constant cycles of review and improvements. Therefore, in order to further strengthen the security protocols, UIDAI is working towards obtaining an ISO 270001 certificate, which is globally accepted as the highest standard for IT security. This process would also involve third party audit by certified agencies and thereby provide further assurance on any residual concerns.
69. It is submitted that UIDAI has taken full proof measures to ensure end-to-end security of resident data, spanning from full encryption of resident data at the time of capture, tamper resistance, physical security, access control, network security, stringent audit mechanism, 24x7 security and fraud management system monitoring, and measures such as data partitioning and data encryption within UIDAI controlled data centres. In particular, at the UIDAI enrolment centres and field operations level, following safeguards have been implemented:

- UIDAI has provided standard enrolment software for all its registrars to ensure uniformity of enrolment data capture and processes.
- UIDAI has mandated all operators/supervisors be trained and certified as operator/supervisor before they can start enrolling.
- Every enrolment packet is biometrically signed by operator ensuring traceability and non-repudiation (repudiation - deny the authenticity of one's signature).
- Every packet is reviewed by a supervisor for data quality (review audits are captured electronically) and signed as required which means every enrolment is traceable in terms of "who", "when", "where", "under which agency", "under which registrar", "who reviewed it", etc.
- Data collected during enrolment using UIDAI provided software ensures that the resident data including raw biometrics is encrypted using strong asymmetric encryption technologies before even saving to disk. It is to be noted that raw biometrics is NEVER stored anywhere without encryption.
- UIDAI provided enrolment software uses standard, best in class, cryptographic techniques while storing resident data on field enrolment stations. It uses, encryption based on PKI (which is an asymmetric public/private key encryption scheme) only

UIDAI which has the private key can decrypt and use it and no one else can decrypt and misuse the data, even if they are in possession of the enrolment packet.

- Additional metadata such as "how long operator spent on demographic data screen", "how many times a fingerprint was captured", "how many corrections were done", etc. are collected as part of every enrolment packet for analysis of operator actions and performance. This data is used for providing continuous improvement feedback on data quality to the registrars and enrolling agencies using UIDAI's business intelligence (BI) platform.

70. During transit of the data from enrolment stations on the field to UIDAI data centres, following steps are ensured Firstly, every enrolment data packet is "always" stored in PKI encrypted, tamper proof files and are never decrypted or modified during transit. Further the enrolment data is "never" decrypted until it is reached within UIDAI's data centre's secure production zone.

71. It is submitted that usage of strong asymmetric encryption technologies used to encrypt every resident's data packet ensures that no agencies or persons can access, modify, or misuse the resident data during field enrolment or in transit to the UIDAI

data centre. The arguments that private parties may access or sell or misuse resident data is completely without any basis. The encryption technology used is 2048 bit encryption which is the strongest available encryption and it is impossible (as it takes several billion years!) to decrypt and extract any information even if enrolment packets are accessible during transit to UIDAI data centre.

72. Within UIDAI's data centres (CIDR), following security aspects have been implemented:

- Physical security outside and within data centres with access controls including biometric access control, physical caging, and 24x7 monitoring using cameras.
- Logical security by partitioning data centre into "zones" separating them using firewall and network intrusion detection and prevention systems.
- Complete isolation of Demilitarized Zones (DMZ), Partner DMZ, Staging, Production, and sub zones within production for biometric systems, quality check system, databases, etc.
- Usage of HSM (Hardware Security Module) for key management, other standard security and data centre operations practices ensures that UIDAI's data centres are best in class.
- All data "access" is controlled using common access control scheme managed within internal

LDAP (Light Weight Directory Access Protocol) and is audited.

- Multi-vendor firewall, Network Intrusion Detection and Prevention systems, virus and malware detection systems are deployed. Usage of multi-vendor systems ensures that in the eventuality of any security compromise, it is limited to one zone.
- Biometric and non-biometric validation of "all" enrolment packet for authenticity of source, authenticity of operators, and overall validity of data.
- Every sub-system including the three biometric de-duplication systems are separated by firewalls.
- Data is "partitioned" across multiple security "zones", meaning "no" single database has all the resident data in completeness.
- Biometric data provided to biometric vendor systems (that are deployed within UIDAI data centres) are completely stripped of "any" Personal Identifiable Information (PII) means that none of the biometric sub-systems have any understanding of "whose" biometric it is that they are processing. This is similar to how examination papers are evaluated by removing any student identity data to ensure anonymity.
- Biometric systems deployed within UIDAI data centres are on separate sub networks separated by firewall ensuring that they don't have access to any other internal systems nor have access to any external systems. It is fully isolated.

- The packets containing biometric after it has been used to de-duplicate and issue Aadhaar, is archived in encrypted form and stored in a completely separated and logically disconnected long term storage system.
- Entire production zone has no access to outside networks such as Internet, implying that no data moves out of the network of UIDAI Biometric systems deployed within UIDAI data centres and are on separate sub networks separated by firewall ensuring that they do not have access to any other internal systems nor have access to any external systems. It is fully isolated.

73. It is further submitted that the sensitive personal data is not shared with any third party except as per the Data Sharing Policy formulated by UIDAI or on the orders of a competent Court. The UIDAI has also sought exemption from disclosure of information under Section 8(1)(j) of the Right to Information Act, 2005.

74. The Data Protection and Security Guidelines ('DPS Guidelines') for Registrars and Data Sharing Policy formulated by UIDAI assumes an important dimension whereby concerns regarding privacy, data protection and data security are adequately addressed. The DPS Guidelines defines the Registrars' responsibility for data protection and security, lays down the principles and procedures to be followed while data collection,

use and processing and prescribes special guidelines for protection of biometrics.

75. UIDAI's data sharing policy was evolved to meet demands for data by State Registrars to enable them to leverage the UID for improving delivery of services / benefits. The UIDAI embarked on a multi-Registrar model for enrolling residents into the UID Scheme and the need for sharing of data was felt when State Registrars faced problems in leveraging Aadhaar for delivery of benefits since data of residents enrolled by non-State Registrars was not available to them. The data sharing policy was thus evolved to address this concern. Sharing of resident data is subject to the several conditions as per this policy, the first of which is consent given by the resident. The policy also mandates that the Registrar will sign a "Data protection and Understanding of holding sensitive data" agreement with UIDAI, which will provide, *inter alia*, various compliances required for the security guidelines enumerated therein and any other security guidelines as the UIDAI may deem fit.

**F. GENESIS OF THE UNIQUE IDENTITY PROGRAM
ALSO REFERRED TO AS THE UID SCHEME**

76. It is submitted that the Writ Petition fails to appreciate the background, the context and the evolution of the policy of the Government to provide identity and the circumstances in which the UID Scheme was formed.

77. In 1993, the Government of India undertook the effort of providing clear identity to residents with the issue of Photo Identity Cards by the Election Commission. These Election Identity Cards are issued by the Election Commission to eligible electorate over the age of 18 years. Thereafter, an attempt was made in the year 2003 to evolve a Multi-purpose National Identity Card which was introduced in certain parts of the country on a pilot basis.
78. The Unique Identification Project was initially conceived by the Planning Commission in the year 2006 as an initiative that would provide a clear and unique identification number for each resident across the country.
79. On 3rd March, 2006 the Department of Information Technology (DIT), Ministry of Communication & Information Technology, gave its approval for the Scheme titled Unique Identification for BPL Families. This project was to be implemented by the NIC over the period of 12 months. A copy of the DIT Notification dated 03.03.2006 is annexed hereto and marked as **Annexure R/1..... [pages 227 to pages 228]..**
80. A Processes Committee was also set up for updation, modification of this Project on 3rd July, 2006. A copy of

the notification setting up the Processes Committee dated 03.07.2006 is annexed hereto and marked as **Annexure R/...2.....** [pages **229** to **pages...230.....**].

81. The Committee, inter alia, observed that UIDAI should be created by an executive order under the aegis of the Planning Commission to ensure pan-departmental and neutral identity.
82. An Empowered Group of Ministers (EGoM) was set up with the approval of the Prime Minister to collate two schemes – the National Population Register under the Citizenship Act, 1955, and the Unique Identification Number Project of the Department of Information Technology. The EGoM was also empowered to look into the methodology and specific milestones for early and effective completion of the Project and take a final view on these Projects. This EGoM was constituted on 4th December, 2006. A copy of the constitution and terms of reference of the EGoM dated 04.12.2006 is annexed hereto and marked as **Annexure R/...3.....** [pages **231** to **pages...233.....**].
83. The first meeting of the EGoM was held on November 27th, 2007. It recognized the need for creating an identity related resident database, regardless of whether the database is created based on a de-novo collection of individual data or is based on already

existing data such as the voter list. It also recognized that there is a crucial and imperative need to identify and establish an institutional mechanism that will "own" the database and will be responsible for its maintenance and updating on an ongoing basis, post its creation. A copy of the minutes of meeting dated 27.11.2007 is annexed hereto and marked as **Annexure R/.....4.....** [pages234 to pages.....242.....].

84. The second meeting of the EGoM was held on January 28th, 2008. It decided on the strategy for the collection of NPR and UID. Inter alia, the proposal to establish UIDAI under the Planning Commission was approved. A copy of the minutes of meeting dated 28.01.2008 is annexed hereto and marked as **[Annexure R/.....5.....** [pages243 to pages.....245.....].

85. The third meeting of the EGoM was held on August 7th, 2008. The Planning Commission had placed before the EGoM a detailed proposal for setting up the UIDAI. The meeting decided that certain issues raised by the members with relation to the UIDAI would need to be examined by an official level committee. It referred the matter to a Committee of Secretaries to examine and give its recommendations to the EGoM to facilitate a final decision. A copy of the minutes of meeting dated 07.08.2008 is annexed hereto and

marked as **Annexure R/...6.....** [pages **252** to **pages.267.....**].

86. Subsequent to the Committee of Secretaries recommendations, the fourth meeting of the EGoM was held on November 4th 2008. A copy of the minutes of meeting dated 04.11.2008 is annexed hereto and marked as [**Annexure R/...7.....** [pages **268** to **pages.269.....**]]. The recommendations of the Committee of Secretaries was presented to the EGoM and the following decisions were taken:

- Initially the UIDAI may be notified as an executive authority, and investing it with statutory authority could be taken up for consideration later at an appropriate level.
- UIDAI may limit its activities to the creation of the initial database from the electoral roll/EPIC data. UIDAI may however additionally issue instructions to agencies that undertake creation of databases to ensure standardization of data element.
- UIDAI will take its own decisions as to how to build the database.
- UIDAI would be anchored in the Planning Commission for five years after which a view would be taken as to where the UIDAI would be located within Government.
- Constitution of the UIDAI with a core team of 10 personnel at the central level and directed the Planning Commission to separately place a

detailed proposal with the complete structure, rest of staff and organizational structure of UIDAI before the Cabinet Secretary for his consideration prior to seeking approval under normal procedure through the DOE/CCEA.

- Approval to the constitution of the State UID Authorities simultaneously with the Central UIDAI with a core team of 3 personnel.
- December 2009 was given as the target date for UID to be made available for usage by an initial set of authorized users.
- Prior to seeking approval for the complete organizational structure and full component of staff through DoE and CCEA as per existing procedure, the Cabinet Secretary should convene a meeting to finalize the detailed organizational structure, staff and other requirements.

87. Subsequently, on January 22nd, 2009, the Cabinet Secretary, in pursuance of the decisions of the Empowered Group of Ministers, considered the proposal submitted by the Department of Information Technology regarding the governance structure and recommended that:

- The notification for constitution of the UIDAI should be issued immediately.
- A High Level Advisory, Monitoring and Review Committee headed by Deputy Chairman, Planning Commission to be constituted to oversee the work of the authority.

- A Member, Planning Commission, or the Secretary, Planning Commission, may be also assigned the task of looking after the work proposed of the Chief UID Commissioner.
- Core Team to be out in place.

A copy of the Cabinet Secretariat Office Memorandum dated 22.01.2009 is annexed hereto and marked as **Annexure R/.....⁸ [pages 270 to pages 272].**

88. In pursuance of the Empowered Group of Ministers' fourth meeting dated November 4th, 2008, the UIDAI was constituted and notified by the Planning Commission on January 28th, 2009, as an attached office under the aegis of Planning Commission with an initial core team of 115 officials. The role and responsibilities of the UIDAI was laid down in this notification. The UIDAI was given the responsibility to lay down plan and policies to implement UID scheme, and shall own and operate the UID database and be responsible for its updation and maintenance on an ongoing basis. A copy of the Gazette notification dated 28.01.2009 is annexed hereto and marked as **Annexure R/.....⁹ [pages 273 to pages 278].**

89. Subsequently, on July 2nd, 2009, Chairman of UIDAI was appointed and assumed charge on 23rd July, 2009, and since then the UIDAI has started functioning. A copy of the notification dated

02.07.2009 is annexed hereto and marked as **Annexure R/...10..... [pages 279. to pages...281.....]**.

90. The Government thereafter constituted a Cabinet Committee on Unique Identification Authority of India vide its order No. 1/11/6/2009 dated 22nd October, 2009. The functions of this Committee, as per this notification are to consider all issues relating to the UIDAI including the organization, plans, policies, programmes, schemes, funding and methodology to be adopted for achieving the objectives of that UIDAI. A copy of the notification dated 22.10.2009 is annexed hereto and marked as **Annexure R/.....11..... [pages 282 to pages...284.....]**.

91. Through 2010 to 2013, the UID Scheme has undertaken extensive and detailed study on the best practices for Demographic Data Standards and Verification Procedures, Biometric Design Standards for UID Application and protection and security of data collected from residents. The UIDAI under the UID Scheme has laid down comprehensive guidelines for regulating the manner of collecting and storing data; assigning clear roles to the entities involved in such collection i.e. registrars, enrolment agencies, introducers and verifiers; ensuring that duplication of data does not take place and putting appropriate safeguards in place to protect the safety of the data collected.

92. It is thus submitted that the UID Scheme is an effort to give a unique identity to the residents of the country, which is commonly done across the world and has been conceived after a carefully considered consultative process with various stakeholders. It is a welfare initiative intended to serve as a legitimate platform for delivery of State services, promote inclusion and benefit to marginalized sections of society having no formal proof of identity, while simultaneously ensuring elimination of ghost / fraud beneficiaries and plugging of leakages.

G. BENEFITS OF THE UNIQUE IDENTITY SCHEME

93. It is submitted that a transparent and a tamper proof identity system in the country would count for better governance which is also a facet of Article 21. It is well known that beneficiary lists of a Government welfare program are riddled with fake and duplicate entries. Use of multiple documents and the ease of getting them more than once have contributed to this problem. The UID Scheme ensures that it cannot be obtained more than once by an individual. It is the only identification which is compatible with computerization, can be authenticated on-line and help to detect fakes and duplicates. The use of Aadhaar by various agencies of the Government is in larger public interest. An Aadhaar number can be obtained irrespective of age, income or any other

criteria and is nationally valid. By virtue of it being a digital identification, it does not have to be carried in person, it cannot be lost or damaged, it can be easily updated and can be used online to access e-Government services. In short Aadhaar empowers both the Government and the resident.

94. As India moved towards large scale e-Governance adoption, agencies implementing such initiatives needed to ensure efficiency and accountability across those systems. Even prior to implementation of the UID Scheme, Central and State Governments had been attempting to handle the issue of unique identification of persons in different sectors, with vastly varying levels of success. Some of these initiatives are as follows:

- i. In 1993, the Government of India undertook the effort of providing clear identity to residents with the issue of Photo Identity Cards by the Election Commission.
- ii. An attempt was made in the year 2003 to evolve a Multi-purpose National Identity Card which was introduced in certain parts of the country on a pilot basis.
- iii. On 3rd March, 2006 the Department of Information Technology, Ministry of Communication and Information Technology, gave its approval for the Project titled Unique Identification for BPL Families.

- iv. Govt. of Karnataka had visualized a project called Karnataka Card Project even before Aadhaar. The idea was to develop a database of residents and their interaction with the various government agencies to enable better cohesion and deliver services to residents in an efficient and effective manner. Residents could use the unique identity reference as a valid, authenticated and widely accepted identity proof to obtain services such as getting a telephone connection and driving license.
- v. The Government of Andhra Pradesh had introduced biometric based smart cards for identification and authentication of beneficiaries of schemes under Rural Development Department.
- vi. The Union Government was also aware of the massive leakages in the social welfare schemes such as the Public Distribution System (PDS). Despite efforts at reform, the Planning Commission reported that about 58 per cent of the subsidized food grains issued from the Central Pool did not reach the BPL families inter alia because of identification errors. In the 11 Plan Document, the Planning Commission stated that "Assigning an identity to the beneficiary is an essential condition to create empowerment to lay a claim to what one is expected to receive. The National Social Security Numbers schemes shall be extended to all citizens in the country, so that the most vulnerable people who need it the most, including migrant labour and nomads

could use it. In fact, considering that such persons do not even get the rations under the PDS, which is an important social security measure, this exercise will be taken up urgently." Inefficiencies in the PDS system were also being highlighted in Performance Reviews conducted by the C&AG.

95. As discussed above, it was against this backdrop that ensuring targeted delivery of public services and curtailing leakages became an urgent policy imperative. The issue of a Unique Identifier had been deliberated at the highest levels of Government for several years. In line with views of various stakeholders, an Empowered Group of Ministers and the Union Government, took a well-considered decision in 2009 to approve the constitution of the UIDAI under the aegis of the Planning Commission. This was done in view of the fact that the UID Scheme had a pan departmental scope and Planning Commission was the only agency that dealt with most departments.
96. It is further submitted that in India there has never been a 'unique identifier' issued to all citizens of India in a uniform manner. Only different forms of domain specific identity markers, like ration card, passport, voter's identity card, PAN card etc. have been made available to the residents of India which came to be used as general identity document in the absence of a pure identity document like Aadhaar which is being

made available to entire population without being conditional to fulfilling eligibility of a specific purpose and it cannot be said that any one of these proxy identification instruments enrolled the entire population of India. For example, the Election photo card (EPIC) is available only to individuals above 18 years of age, PAN cards are issued only to Income tax assesses, driving license is issued only to those who can drive and ration cards are issued only to those families requiring subsidised ration. Thus establishing identity has always been a challenge for the poor, particularly when they move from place to place, as a consequence lack of proof of identity makes it difficult for the poor to access benefits and services and hence enrolling for Aadhaar number may be the first form of identification they will have access to.

97. The Aadhaar Scheme was envisaged with the following objectives:-

- a) The poor and the marginalised without any proof of Identity (almost 40% of the population) get a proof of ID and Address.
- b) Everyone including those with an existing proof of ID get a state of the art Digital ID which works online and is the stepping stone for ushering e-governance in the country.
- c) Fake and duplicate entries in welfare programmes like PDS, NSAP and scholarships get weeded as unlike other comparable documents, no one gets more than one Aadhaar.

- d) Benaami and related activities get curtailed as the non-existent and fakes cannot get Aadhaar.
- e) The Government reduces fiscal deficit by targeted subsidy to those who deserve rather than generic subsidy to all as in the case of LPG.
- f) The poor get bank accounts, mobile phones, railway reservations etc. using Aadhaar based KYC.

98. The UID Scheme has been recognised as a transformational and home grown IT project and an important platform to improve the efficiency and transparency of various e-Governance initiatives in the areas of food security (PDS), jobs (MNERGA), health (JSY) etc. The Government of India recognises it as a strategic policy tool to address socio-economic needs, enables social and financial inclusion, public sector delivery reform and for management of fiscal deficit.

99. It is submitted that the creation of the UIDAI under the UID Scheme coincides with growing social investment in India, a shift in focus to direct benefits, and with the spread of IT and mobile phones, which has made the public receptive to technology-based solutions. The Government has worked tirelessly and is committed to making this project a success. An initiative of this magnitude will also require the active participation of Central, State and Local Governments as well as public and private sector agencies across the country. With their support the scheme is in the process of realizing a larger vision of inclusion and development for India. It is submitted that UID

Scheme is a giant leap forward in the task of achieving inclusive development in India.

100. The importance and utility of the Aadhaar Scheme for delivery of public services through the unique identification numbers was also recognized by this Hon'ble Court in the case of **PUCL Vs. Union of India (2011) 14 SCC 331** wherein this Hon'ble Court had accepted the recommendations provided by the High powered committee headed by Hon'ble Justice D.P. Wadhwa (Retd.), with regards to improvement of the Public Distribution System and eliminating of fakes and ghosts profiles from the system by using the Aadhaar authentication system. Further, this Hon'ble Court in the case of **State of Kerala & Others Vs. President, Parents Teachers Association, SNVUP and Others, (2013) 2 SCC 705** highlighting the menace of bogus admission of children in state aided schools, directed the Education Department to issue UID cards to all school children and adopt better scientific methods in order to curb the large number of bogus admissions in various state aided schools. It is further submitted that the vested interests such as middlemen are attempting to misuse the due process of law in order to mislead the courts to pass orders hereby benefits under the various schemes of the government do not get percolated down to the real beneficiaries.

Achievements and Performance of the UID Scheme:
2009-2015

101. It has been alleged and contended by the Petitioner that the UID Scheme is mandatory and several service providers link the delivery services to the Aadhaar number. It is on this understanding that the Petitioner has alleged that the UID Scheme violates Articles 14 and 21 of the Constitution. However, it is respectfully submitted that such an allegation is completely baseless and unfounded since, the enrolment to the UID Scheme is purely on a voluntary basis and it is not mandatory upon any person to enrol with the UID Scheme and consequently, part with their biometric information.

102. It is submitted that the linkage of delivery mechanism of the State to the UID Scheme is a well-thought out, reasoned and a considered policy decision of the Government so as to reach out to the maximum number of correct and true beneficiaries and make optimum and best utilization of the welfare schemes of the State. Such linkage of welfare schemes to the UID Scheme cannot be said to be arbitrary, illegal or unreasonable. It is submitted that the linkage of Aadhaar number to other welfare schemes of the Government is going to introduce a transformational change in making available such welfare schemes directly to the intended beneficiaries whilst eliminating fake and duplicate identities. It will cut costs of the national exchequer and as a matter of fact, would enhance the standard and quality of living of the people of India. Thus, such a policy of the Government cannot be said to be arbitrary or illegal.

103. The Respondent would like to draw the attention of this Hon'ble Court that in its earlier counter affidavits filed in connected Writ Petitions, the Government had submitted that the UID Scheme has been hailed as one of kind in the world and had been regarded a pioneer scheme of providing identity to individuals. The UID Scheme is also technologically and logistically superior to other identity program throughout the world. It was submitted that the present Writ Petition has been filed without understanding the true scope, ambit and reach of the UID Scheme which was poised to be a giant leap forward for the State in securing social and economic well-being of its people. The Respondent would like to confirm that its earlier averments before this Hon'ble Court on the implementation aspects of the UID Scheme have been completely validated by the actual results achieved. These are a matter of record and will be presented in detail.

104. It is also confirmed that the UID Scheme has been implemented in a totally transparent, efficient, flexible and responsive manner. There have been continuous enhancements in terms of policy, processes and technology, following best practices in programme management and based on iterative cycles of Plan-Do-Check-Act. The UID Scheme has grown from strength to strength, as evident from the following facts:

- By 31st March 2015 over **80.46 crore Aadhaar numbers** have been generated.
- As on 31st March 2015, **16.25 crore bank accounts have been linked to Aadhaar** by banks enabling receipt of **Direct Benefit Transfer (DBT)**.
- **Over 37Crore LPG subsidy transfer transactions** amounting to a total of over **Rs. 11500 Crore** have been made since the implementation of the Scheme.
- A total of **61.04 lakh payment transactions** have been done through Direct Benefit Transfer across the country for 34 Schemes amounting to **Rs.681.14 Crore as on 31.03.2015**.
- **The cumulative expenditure** under the scheme as on 31-03-2015 is about **Rs 5980.62 crore** including over Rs 1000 crore on IT infrastructure. This expenditure is duly sanctioned by Parliament as part of the annual Appropriation Act.

A total of **45.36 crore authentication transactions have been done through Aadhaar platform and a total of 2.98 crore e-KYC** transactions have been effected as on as on 31st March, 2015.

105. These facts prove that the early pessimism as evidenced in some reports (including Standing Committee on Finance, e.g. 42nd Report) were incorrect.

106. The benefits of the UID Scheme are alone evident from the fact that the implementation of Aadhaar project in Mahe region of Puducherry has resulted in detection of 389 family ration cards as bogus and in Puducherry nearly 20,000 ration cards have been deleted after the de-duplication efforts. In the State of Punjab, the findings of Direct Benefit Transfer ("DBT") at the time of delivery of LPG, 15-20% of the bogus cards have been deleted. In an Aadhaar based authentication project for the delivery of ration in East Godavari and Hyderabad districts of undivided Andhra Pradesh implemented by the Consumer Affairs, Food and Civil Supplies Department, savings have been observed to the extent of nearly 17% in rice and 24% in kerosene. Encouraged by these results, the State Government have planned to use Aadhaar online authentication for all the 2,700 fair price shops in East Godavari district.

107. DBTL was initially launched in 20 districts w.e.f. 1.6.2013 and as per the experience in these 20 districts, it was observed that the consumption of domestic LPG got reduced during the period

01.09.2013 to 31.01.2014 vis-a-vis remaining part of the country as can be seen below:

Category	01.09.2013 to 31.01.2014			01.09.2012 to 31.01.2013			Growth (%)		
	All India	20 Districts	Rest of India except 20 Districts	All India	20 Districts	Rest of India except 20 Districts	All India	20 Districts	Rest of India except 20 Districts
Domestic sale of OMC in (MT)	6200773	352519	5848254	5589408	389531	5199877	11%	-10%	12%

It is evident that while there was a reduction of 10% in LPG consumption in these 20 districts whereas LPG consumption in rest part of the country increased by 12%. There was a subsidy saving of 22% in above 20 district by implementing DBTL. The DBTL scheme has been devised to save the subsidy diversion. Given that subsidy burden on LPG is of the order of 46,458 crore (2013-14) per annum, even a 10% saving would mean saving of subsidy of Rs. 4,600 crore.

IOCL has reported on industry basis that a de-duplication exercise was conducted on the basis of 8.08 crore Aadhaar numbers which have been collected so far to find out the cases where same Aadhaar numbers have been found against two or more LPG connections thereby indicating two LPG

connections by the same individual which is a violation of the LPG Control Order. The Aadhaar based de-duplication has now detected around 8 lakh such connections afresh, which were not detected in earlier de-duplication process. The Modified PAHAL Scheme allows direct linking of bank accounts without the use of Aadhaar for receipt of subsidy. However, while a single person possessing two or more LPG connections, will be caught when he produces the same Aadhaar number against the multiple LPG connections, this violation could remain undetected in a bank account based transfer because he could provide different bank accounts for receiving the cash subsidy against his multiple LPG connections. Therefore, Aadhaar number based cash transfer is superior to bank account based transfer for establishing one person - one subsidized LPG connection regime.

108. The impact of the UID Scheme is of immense value as it has helped the government in streamlining the Mahatama Gandhi National Rural Employment Guarantee Act ("MGNREGA") database. For instance, the seeding of the Aadhaar number in the MGNREGA database has been practised in the states of Andhra Pradesh and Telengana. The seeding has ensued large number of bogus and ghost workers being deleted from the database. This has resulted in a saving of atleast Rs. 127 Crores in the abovementioned states. A detailed table below shows in detail the type of

bogus workers who were enrolled into the MGNREGA database:

Types of Bogus workers	AP	Telengana	Total
Dead person	155179	118754	2,73,933
Name Exists in other Job card (double entry)	67569	23210	90,779
Migrated (not present in the village)	588086	221189	8,09,275
Double Job card	62060	42677	1,04,737
Total 'bogus' database	872894	405830	12,78,724
Total workers	20416000	15490000	359,06,000
% of bogus workers found			4%

109. As reported by UIDAI, a list of aggregated statistics about the savings in scholarships, PDS and pension accrued due the UID Scheme is detailed in a table herein below:-

State	No of Beneficiaries	% of Beneficiaries Seeded	Duplicate s detected	Estimated Benefits accrued
<u>Scholarships</u>				
Andhra Pradesh	4.44 Lakhs	98%	30,380	126 crores
Telengana	5.34 Lakhs	99%	36,960	150

<i>Punjab</i>	<i>2.72 Lakhs</i>	<i>50%</i>	<i>1,618</i>	<i>0.72 crore</i>
<u>PDS</u>				
<i>Andhra Pradesh</i>	<i>478.34 Lakhs</i>	<i>59%</i>	<i>69 lakh beneficiaries</i>	<i>1275 crores</i>
<i>Telengana</i>	<i>308.31 Lakhs</i>	<i>65%</i>	<i>4,305,805</i>	<i>952 crores</i>
<i>Puducherry</i>	<i>12.85 Lakhs</i>	<i>41%</i>	<i>27000 ration cards</i>	<i>17.68 crore</i>
<i>Delhi</i>	<i>72.50 Lakhs</i>	<i>83%</i>	<i>60,000 Ration cards</i>	<i>100 crore</i>
<u>Pensions</u>				
<i>Jharkhand</i>	<i>8.21 Lakhs</i>	<i>59%</i>	<i>1,27,860</i>	<i>63.90 crore</i>
<i>Chandigarh</i>	<i>0.06 Lakhs</i>	<i>99%</i>	<i>1,877</i>	<i>1.74 crore</i>
<i>Puducherry</i>	<i>1.35 Lakhs</i>	<i>54%</i>	<i>2,200</i>	<i>0.03 crore</i>
TOTAL				<u>2687.0</u> <u>7 crore</u>

As can be seen from the above, the above figures is indicative of the potential benefits of only one particular scheme in two states alone. The identification of bogus and ghost workers is of great benefit to the Government, as it would ensure huge saving to the government expenditure. The amount saved will enable the Government to disburse the same among the genuine workers so that their entitlements can improve.

110. It is humbly submitted that the benefits of the UID Scheme is being utilised by over 80 Crore residents. Aadhaar is facilitating delivery of government benefits and subsidies directly to the resident/beneficiary, thereby eliminating scores of middle men in the process. It may only be the vested interest group, who benefit out of leakages in the earlier system of public delivery of services, may be averse to the idea of Aadhaar.

111. Further, in view of the above, it is submitted that the UID Scheme is recognised as a transformational, fully home-grown IT project and is an important platform to improve the efficiency and transparency of various e-governance initiatives in the areas of Food Security (PDS), Jobs (MGNREGA), health (JSY) etc. The Government of India recognises it as a strategic policy tool for social inclusion, financial inclusion, public sector delivery reform and management of fiscal deficit.

H. COMPARISON OF THE UID SCHEME WITH THE UNIQUE IDENTITY SCHEME OF THE UNITED KINGDOM ("U.K")

112. The Petitioner has alleged that the purpose of the UID Scheme and that of the National Identity Card in the U.K is the same. The Petitioner has also sought to rely on a study conducted by the London School of

Economics. The said allegation of the Petitioner is frivolous and should be dismissed as there are certain essential differences between the two systems which are discussed herein under.

113. The objective for setting up the U.K Identity Card Scheme were national security, prevention of terrorism and crime, reduction of illegal employment, and enforcement of employment controls. On the other hand, the objective and purpose for setting up the UID Scheme is simply for providing proof of identity for efficient targeting of public services and implementing the Government's social welfare schemes. As the UID Scheme is being widely used to disburse social security benefits like pensions, scholarships and wages to individuals through bank accounts that are linked to Aadhaar, this has not only resulted in better targeting of government welfare schemes, but also a reduction in leakages and savings in expenditure.

114. In terms of privacy, the U.K scheme was criticised because the National Identification Register, which recorded all information collected under the Scheme, allowed third parties to access a trove of sensitive personal information without consent of the individual concerned. The lack of any technical or legal safeguards with respect to the use of third party information, or the inability of a registered individual to review information stored on the Register attracted

considerable criticism. On the other hand, one important factor that distinguishes India's UID Scheme from the U.K National Identity Scheme is that, the UID Scheme has been designed keeping data privacy and security in mind. The UID Scheme incorporates specific elements of the 'privacy by design' philosophy, including:

- a) scope of collection (transaction details and history are not stored on the database);
- b) convergence (no pooling of Aadhaar data with existing government databases);
- c) function creep (information relating to religion, race, ethnicity, caste and income cannot be collected);
- d) limited purpose (verification purposes only, so authentication requests receive only "Yes" or "No" answers)
- e) accuracy (ability to review one's own information in the database and a grievance redressal mechanism to correct inaccurate data);

115. The U.K Government, after facing widespread criticism on the provisions of the Identity Cards Act, 2006, eventually repealed the Act by passing the Identity Documents Act, 2010. It repealed all the provisions of the Act, revoked the legal validity of identity cards that had been issued till then, and destroyed the database on which all the information collected from the U.K scheme was stored. On the other hand, the UID Scheme in India has resulted in various benefits to the residents of the country, such as:

- a) Removal of 'ghosts' and duplicates – This has resulted in huge savings to the government expenditure on account of a stringent verification process thus resulting in a leaner list.
- b) End-to-end-transparency – The audit trail can clearly show the whole flow of Government to Person ("G2P") transaction.
- c) Reduction in fraud and corruption – the diversion of public resources has been eliminated.
- d) Targeting – It has prevented the beneficiaries from falsely making ineligible claims e.g. A resident claiming both LPG and kerosene subsidy, etc.

116. It is submitted that in India, where reliable and clean identity databases do not exist, usage of biometrics was considered to be the most suitable for carrying out de-duplication. It is submitted that the Petitioner in the Petition is relying on the perspective of foreign situation which has no relevance to the Indian context. In case of Indian context, biometric usage for de-duplication was essential. It is further submitted that the Aadhaar biometric system design has followed global best practices. In designing Aadhaar biometric system, existing state-of-the-art biometric systems were reviewed, the world's top biometric experts were consulted, proof of concept study was conducted and finally a biometric system

was built that is considered to be the world's best biometric system.

117. The differences between the UID Scheme and the U.K. scheme, clearly indicates that Aadhaar is a superior method of verification and would lead to huge saving to the government. As a result, the argument of the Petitioner that the purpose of the UID Scheme and the U.K. scheme are similar is baseless and deserves to be dismissed.

118. It is further submitted that the advancement of the technology made it possible to use the biometric for identification purpose and is a prevalent practice across the globe. It is again reiterated that various countries in different continents have evolved the apparatus for implementation of welfare schemes based on biometric data. Similarly USA uses biometric data both for social security as well as identification purpose. Countries in Europe have also utilising biometric data for various security and social welfare programmes. India is not the 1st and only country which has introduced biometric identification.

I. MERE SCOPE FOR EXPLOITATION/ABUSE IS NOT A GROUND FOR STRIKING DOWN POLICY

119. It is well-settled that a potential for abuse cannot be a basis for striking down a policy as *ultra vires* the

Constitution and that it is the actual abuse that must be brought before the Court for being tested on the anvil of constitutional provisions [***Natural Resources Allocation, In re, Special Reference No. 1 of 2012,(2012) 10 SCC 1*** at page 93, Para 135]. Mere possibility of abuse of a provision does not, by itself, justify its invalidation. The validity of a provision must be tested with reference to its operation and efficiency in the generality of cases and not by freaks or exceptions that its application might possibly produce in some rare cases.

J. THE PRESENT WRIT PETITION IS BASED ON HYPOTHETICAL, FUTURISTIC, CONJECTURAL AND ACADEMIC GROUNDS AND IS LIABLE TO BE DISMISSED

120. The Writ Petition does not take in to account the actual achievement and success of the Aadhaar Scheme in terms of number of residents enrolled, large scale success of Aadhaar authentication system and growing adoption of Aadhaar based technology by various Governmental and non-governmental organisations. It is therefore submitted that adjudication of the present Writ Petition is not within judicially manageable standards. This Hon'ble Court cannot be expected to forestall questions which may arise in future cases and decide them, more or less, *in vacuo* or in abstract and in the absence of necessary materials or facts [See ***Central Bank of India v.***

Workmen (1960) 1 SCR 200, para 31 and ***SantLal Bharti v. State of Punjab (1988) 1 SCC 366***, at page 367].

121. The allegations made by the Petitioner as regards violation of right to privacy, commercial usage of sensitive personal data, tracking / tagging / surveillance, are entirely hypothetical and seek to question the veracity of tried and tested technology which has been introduced by experts after careful consideration. It is therefore submitted, that it is too dangerous to give credence to such allegations which seeks to set at naught the entire Scheme.

122. The Hon'ble Court is requested to consider that while there may be many views expressed by different institutions and individuals by way of general critique of public policies, such views cannot be allowed to become oppressive instruments to bring down an exemplary Scheme serving the public good. The Hon'ble Court is humbly requested to reject the contention that instances of failures of entirely different biometric projects elsewhere in the world, form a valid reason for abandoning the well-designed Aadhaar Scheme. The Respondents emphatically deny that there is any reason whatsoever for destroying the database that forms the foundation of the Aadhaar's utility for the government, service providers and the residents themselves.

123. It is submitted that for the reasons mentioned herein above, it is pertinent to state that there is a strong case for continuation of the UID Scheme in view of the widespread use and the benefits being provided to the Aadhaar enrolees/residents. A detailed para-wise reply to the Petition is provided herein below.

PARAWISE REPLY

1. That the contents of paragraph no. 1 of this Writ Petition are baseless, frivolous, and mischievous and are completely denied. The present Writ Petition is devoid of any merit and is not maintainable. It is submitted that no writ of Certiorari and Mandamus is maintainable in the present matter either under the Constitution of India or under any law of the land. Further all pleadings are disputed and completely denied unless specifically admitted. It is submitted that the instant petition aims to inflict immense damage on the social and economic well-being of the country by seeking a writ of mandamus on destruction of all information collected by the Government. It is further submitted that the present Writ Petition seeking the writ of Certiorari for quashing the Gazette Notification (No A- 43011/02/2009 - Admn I) dated 28.01.2009 has been filed without any legal justification. It is submitted

that under Articles 73 and 162 of the Constitution of India, the powers of the respective Governments co-exist with legislative powers and it is an established principle of law that the executive cannot act against the provisions of a law. Further it is submitted that the respective Government is not debarred from exercising its executive powers in the areas which are not regulated by any specific legislation.

It is further submitted that the present Writ Petition is based on an entirely incorrect understanding of the UID Scheme and attempts a complete destruction of this unique and well considered scheme, based purely on unfounded apprehensions and conjectures of the Petitioner. It is submitted that such a petition, in the guise of a PIL, is in fact totally inimical to the public good and would result in immense disservice to residents of the country and to the entire economy.

It is vehemently denied that a writ in the nature of Mandamus directing the Respondents Nos. 1 to 3 to destroy all information collected pursuant to the said impugned notification should be allowed and the order dated 03.07.2012 passed by the Ld XVI Addl City Civil and Sessions Judge, Bangalore in O.S. No 8181 of 2012 should be set aside. A copy of the Order dated 03.07.2012 passed

by the Addl. City Civil and Sessions Judge is annexed hereto and marked as **Annexure R-12** (Pg 285 to 293)

It is submitted before this Hon'ble Court that the petitioner has already filed a Regular First Appeal (RFA) No 1825/2012 against the said order of the Ld Civil Judge dated 03.07.2012 and the appeal is presently pending before the Hon'ble High Court of Karnataka. It is submitted that the petitioner in the RFA filed before the Hon'ble High Court of Karnataka stated that "At the outset the appellant submits that this appeal is not about the merits or demerits of the Unique Identification Scheme (UID) of the respondents, but only about the illegality of rejection of the appellant's suit in the aforesaid case rejected under Order VII Rule II."

It is submitted that the Respondent No. 3 has already filed an Execution Petition bearing number 1145/2013 dated 24.4.2013 in OS 8181/2011 against Sh Mathew Thomas and co petitioner Sh V K Somasekhar before the Civil Judge, Karnataka. Thereafter notices have been issued to the petitioner by the Court of the Ld Civil Judge. Copy of the Execution Petition filed by UIDAI is annexed hereto and marked as **Annexure R-13** (Pg. 294 to 299)

1A. That the contents of paragraph no. 1A of the Writ Petition are wrong, baseless and denied. The Petitioner has failed to establish what relief, if any, was due to him at the level of the Hon'ble Prime Minister or Members of Parliament. It is submitted that as a citizen of democratic India, while the Petitioner is free to raise his concerns with the elected representatives of the people, all matters of state policy have to be appropriately examined at the correct forums and decisions taken after due deliberations. Relief against any order of a court/legal authority, as sought by him in the present Writ Petition, cannot in any case, be obtained by interventions such as writing letters to the Prime Minister and Members of Parliament. Further the Petitioner has not stated in what manner has his rights guaranteed under the Constitution have been violated by the UID Scheme. It is strongly denied that the UID Scheme possesses any dangers/drawbacks or that any rights whatsoever, guaranteed under the Constitution have been violated by the scheme. It is further submitted that the UID Scheme was conceived as a measure for public good and is meant for enhancing the socio-economic welfare of all residents possessing an Aadhaar number by ensuring better percolation of the benefits provided by the governments.

2. That the contents of paragraph no. 2 of the Writ Petition are baseless and hence denied. It is vehemently denied that information about any foreign MNC contractors is being deliberately hidden by Respondent No. 3. It is submitted that the response of Respondent No. 3 vide F 12013/13/2011/RTI-UIDAI dated 21.07.2011 was provided to Sh Veeresh Malik who had sought inter alia details of foreign companies including whether these companies were of the United States of America or of another origin or control. During the procurement process the bidding companies were required to provide details of their registered and other offices in India and available details were provided by UIDAI. It is submitted that under the RTI Act, the Central Public Information Officer ("CPIO") was not required to research into the origin and control of any foreign companies to provide the details sought. This was duly conveyed to the Petitioner at first appeal stage, stating that "there is no way of verifying the country of origin of the companies". The valid responses of the Respondent cannot in any way be interpreted to imply that any information is being deliberately hidden.

a). That the contents of paragraph no. 2 a) are denied for want of knowledge.

b). That the contents of paragraph no. 2 b) are baseless, misconceived and denied. It is denied that any cause of action has arisen in favour of the Petitioner. It is further submitted that the Petitioner has already filed a Writ Petition (Civil) No 9143/2014 before the Hon'ble High Court of Delhi further to the order of Central Information Commission (CIC) dated 21.10.2013 and notice of admission has been issued for 05.05.2015. A copy of the Writ Petition No. 9143 of 2014 and the notice of admission is annexed hereto and marked as **Annexure R-14** (Pg 300 to 362)

It is submitted that the orders passed by the CIC have been fully complied with and information pertaining to the contract, financial quotation and price quoted by the third party firms have been provided to the Petitioner vide letter No. 12013/39/2011-Tech (RTI) dated 22-10-2014. It is submitted that the Petitioner has consciously and mischievously concealed facts before the Hon'ble Supreme Court by not mentioning the Writ Petition filed before the High Court of Delhi,

wherein petitioner has inter-alia alleged that CIC and UIDAI acted in unison to deny information. It is further submitted that as the merits of the matter would be duly considered by the Delhi High Court there is no cause to agitate this issue before the Apex Court at this stage.

c). That the contents of paragraph no. 2 c) of the petition are baseless, misconceived and vehemently denied. It is denied that there is any real danger and threat to the security of the Nation and also its people on account of the UID Scheme. It is denied that the Petitioner is also aggrieved by the conduct of the Respondents that jeopardize the privacy of citizens and making the availment of essential services rendered by the State upon possession of Aadhaar. It is submitted that the actions of the Respondents in no way jeopardises the privacy of citizens and is not a threat to the security of the Nation.

d). That the contents of paragraph no. 2 d) of the Writ Petition are denied for want of knowledge.

e). That the contents of paragraph no. 2 e) of the Writ Petition are a matter of record and not denied in entirety. However, it is submitted that the petitioner has not come with clean hands as he has failed to disclose that the Ld Judge in the XVI Additional City Civil and Sessions Court at Bangalore had imposed an exemplary cost of Rs. 25,000/- each, on him and his co-petitioner V.K.Somashekhar in the matter. It is further submitted that the Petitioner has also failed to disclose that the Hon'ble Karnataka High Court has issued directions on his Regular First Appeal No 1825 of 2012 that ""The operation and execution of the Judgment and decree under appeal are stayed subject to the appellants in both the appeals depositing Rs. 25000/- each with this Court within two weeks from today."....."if the appellants fail to comply with this order, the interim stay would cease to be in force. "

It is submitted that the Petitioner has neither complied with the directions of the Hon'ble High Court nor sought and obtained any stay in the matter.

3. That the contents of paragraph no. 3 of the Writ Petition are wrong and denied. It is humbly submitted that the Petitioner has already filed an Impleadment Application

in W.P No. 833/2013 titled Aruna Roy Vs Union of India & Ors. The same is currently pending before the Hon'ble Supreme Court. It is submitted that the issues agitated in the Impleadment Application and the instant Writ Petition are similar. It is submitted that the Petitioner has also filed a Contempt Petition No 144 of 2014 before this Hon'ble Court which was duly disposed of vide order dated 30.4.2014 holding that no contempt was required in respect of collecting the demographic data for LPG cylinders. A copy of the Order of this Hon'ble Court dated 30-04-2014 is annexed hereto and marked as **Annexure R-15** (Pg 362 to 367)

4. That the contents of paragraph no. 4 of the Writ Petition are wrong, baseless, misconceived and hence denied in entirety. It is submitted that the contentions raised in this para are speculative in nature, incorrect, vague and unsubstantiated. It is denied that the various governmental bodies have made availment of essential services as well as withdrawal of salary contingent upon possession of "Aadhaar". It is denied that the collection of data is being done by agencies, whose security credentials are not scrutinized thoroughly. It is denied that the avowed objectives of scheme are itself farcical and the entire exercise is nothing but colossal waste of public money and

exposes India's vulnerabilities and in fact for introduction of the UID Scheme which affects and abridges the rights of citizens, the Respondent No.1 did not have sufficient material before it to come to the conclusion that such an incursion on the rights of the citizens was necessary. It is further denied that Section 14-A of the Citizenship Act, 1955 is ultra-vires the Constitution of India and the collection of personal data under the National Population Register in terms of Section 14-A of the Citizenship Act, 1955 is violative of Article 14 and Article 21 of the Constitution of India and it suffers from the vice of excessive delegation in that it does not prescribe to what extent private information of citizens shall be required and leaves it to the discretion of the executive. It is submitted that the UID Scheme involves the issuance of a lifelong identifier to a resident, by way of a unique 12 digit number, which is held in a highly secure database. The allegations of the Petitioner that data is being collected by agencies whose security credentials are not verified and further the allegation that Aadhaar being issued to illegal immigrants in India enabling them to avail services of the Government of India is unfounded and unsubstantiated.

It is further submitted that the primary purpose of the UID Scheme is to improve the welfare system in the country by providing a unique identity to usual residents and eradicating identity theft through duplication of identity, for which only the minimum required demographic and biometric information is being sought. The main purpose of collection of demographic data is to undertake de-duplication by cross checking the biometric data with all other residents' data in databases and for subsequent authentication. It is further submitted that the importance and utility of Aadhaar for delivery of public services was recognized by this Hon'ble Court in the case of PUCL Vs. Union of India [WP(C) No.196/2001 dated 14.09.2011] as well its judgment in State of Kerala & Others Vs. President, Parents Teachers Association, SNVUP and Others (Civil Appeal No.958/2013).

It is submitted that the UID Scheme has been audited by the Comptroller and Auditor General of India for four years now and has not drawn any adverse attention. The UID Scheme is recognised as a transformational project and an important platform to improve the efficiency and transparency of various e-Governance initiatives in the areas of food security (PDS), jobs (MNERGA), health (JSY)

etc. The Government of India recognises it as a strategic policy tool for social inclusion, financial Inclusion, public sector delivery reform and for management of fiscal deficit. It is further submitted that the brand name of Aadhaar has been selected by an Awareness and Communication Strategy Advisory Council constituted for this purpose.

It is pertinent to submit here that the Aadhaar enrolment agencies are entities empanelled with the Registrars and are governed by a strict set of security guidelines. The Registrars, who are departments or agencies of the state government, UTs, public sector undertakings and other agencies, have been assigned the task of administering the entire enrolment process, including supervision of the enrolment agencies, undertaking reviews of the personnel and ensuring physical as well as data security. It is submitted that the Registrars are also required to conduct regular audit of systems and processes of enrolment agencies to ensure compliance with the security guidelines and any violation of the guidelines is subject to stringent disciplinary action including action under the Information Technology Act, 2000 (IT Act) as amended.

It is submitted that the Government has introduced the UID Scheme to provide Aadhaar numbers to residents of India as a matter of a conscious policy decision. It is further submitted that the Aadhaar number is only a proof of identity and not citizenship as there are other specific agencies to perform the task of verifying citizenship and detecting illegal immigrants.

Further, it is relevant to list out the aggregated statistics about the savings accrued due the UID Scheme, which is detailed in a table herein below:-

<i>State</i>	<i>No of Beneficiaries</i>	<i>% of Beneficiaries Seeded</i>	<i>Duplicates detected</i>	<i>Estimated Benefits accrued</i>
<u>Scholarships</u>				
<i>Andhra Pradesh</i>	<i>4.44 Lakhs</i>	<i>98%</i>	<i>30,380</i>	<i>126 crores</i>
<i>Telangana</i>	<i>5.34 Lakhs</i>	<i>99%</i>	<i>36,960</i>	<i>150 crores</i>
<i>Punjab</i>	<i>2.72 Lakhs</i>	<i>50%</i>	<i>1,618</i>	<i>0.72 crore</i>
<u>PDS</u>				
<i>Andhra Pradesh</i>	<i>478.34 Lakhs</i>	<i>59%</i>	<i>69 lakh beneficiaries</i>	<i>1275 crores</i>
<i>Telangana</i>	<i>308.31</i>	<i>65%</i>	<i>4,305,805</i>	<i>952</i>

	Lakhs		5	crores
Puducherry	12.85 Lakhs	41%	--	17.68 crore
Delhi	72.50 Lakhs	83%	--	100 crore
<u>Pensions</u>				
Jharkhand	8.21 Lakhs	59%	1,27,860	63.90 crore
Chandigarh	0.06 Lakhs	99%	1,877	1.74 crore
Puducherry	1.35 Lakhs	54%	2,200	0.03 crore
TOTAL				<u>2687.07</u> <u>crore</u>

Further, U.T Administration, Chandigarh had carried out several rounds of exhaustive and detailed surveys in order to weed out the bogus Subsidized Kerosene Oil (SKO) beneficiaries. Also, the list of SKO users was digitized and seeded with Aadhaar by the department.

On de-duplicating, the SKO users data with that of the LPG users Aadhaar updated data, the number of SKO beneficiaries has been remarkably reduced **from 62,000 to 17,000 only.**

By working out this exhaustive exercise, the department of Food & Supplies and Consumer Affairs, U.T., Chandigarh has been able to ***save approximately Rs.5 Crore per annum*** which was otherwise being disbursed in form of SKO subsidy by the Govt. of India.

As can be seen from the above, even in the limited application of the UID Scheme for delivery of Government services, that too in only three / four states for selected schemes, the savings / estimates of savings accrued are substantial. It can be assumed that with increased usage of Aadhaar based service delivery, the gains for the country would be phenomenal and this aspect cannot be ignored. These savings are apart from the indirect savings accrued in the form of increased system efficiency, unlocking of Government resources due to adoption of technology, convenience to the residents in accessing / availing these benefits, etc. In the light of the same, the Petitioner's allegation that the UID Scheme is a colossal waste of public funds falls flat.

It is further submitted that in a study conducted by the National Institute of Public Finance and Policy (NIPFP) in November, 2012, the UID Scheme is estimated to have an

internal rate of return in real terms of 52.85 percent to the Government. The Extract of the Executive Summary (Abstract) of the NIPFP Report is annexed hereto and marked as **Annexure R-16** (Pg 368-)

5. That the contents of paragraph no. 5 of the Writ Petition are baseless, misconceived and denied. It is denied that both the UID Scheme as well as Section 14-A of the Citizenship Act, 1955 purportedly permitting National Population Register are illegal and liable to be quashed. It is submitted that since the purposes of UID Scheme and National Population Register ("NPR") are different, the Government of India on 27.01.2012 approved that both enrolments should proceed simultaneously, with suitable provisions to avoid overlap in collection of biometrics. A copy of the relevant Press brief related to Cabinet Decision dated 27-01-2012 is annexed hereto and marked as **Annexure R-17** (Pg 369 to 372)

It is submitted that the database of the UID Scheme is distinct from that of NPR. As of now, there is no proposal to merge the two databases together. It is further submitted that the collection of biometrics is just one process in the chain of processes laid down by the

Government for the creation of NPR. The authentication of the citizenship particulars of every resident before they become a part of the National Register of Indian Citizens (NRIC), is an important step. Therefore, the contention of the Petitioner that the NPR is not the database contemplated under the Citizenship Act, 1955, is not correct.

6. That the contents of paragraph no. 6 of the Writ Petition are wrong, baseless and denied.

i. That the contents of paragraph no. 6 (i) of the Writ Petition are a matter of record and merit no response. It is submitted that the genesis of NPR lies in the security of the country and stemmed from the Report of the Subramaniam Committee constituted after the Kargil War, 1999.

The concept of a unique identification was first discussed and worked upon since 2006 when administrative approval for the project –"Unique ID for Below Poverty Line (BPL) families" was given on 03.03.2006 by the Department of Information Technology, Ministry of Communications and Information Technology. It was visualized at that time that

the UID Scheme would authenticate every person's enlistment for government services and benefits through a single centralized system rather than each government department or agency investing in infrastructure, systems and procedures for identifying residents under its schemes, individually and independently. Also, the UID Scheme would facilitate as common proof for residence and identity over a period of time. Among the key envisaged advantages of the project was that the UID Scheme would help in reducing identity related frauds and allow only targeted persons to avail of benefits from the Government.

Thus, the NPR and the UID Scheme have completely different perspectives while the former is oriented towards security and citizenship issues, the latter is focused on being a developmental initiative and the difference ought to be recognised.

ii. That the contents of paragraph no. 6 (ii) of the Writ Petition are wrong, baseless and denied. It is denied that the purpose of the UID Scheme in India and the National ID card in UK is the same. The differences between the UID Scheme and U.K scheme have already been detailed in the preliminary

submission above, which may be read as part and parcel of the present para under reply. The major differences are reiterated as follows:

a. The UK system involved issuing a card which stored the information of the individual including their biometrics on the card. The UID Scheme involves issuing a number that can be authenticated online on an 'anytime anywhere' basis. No card containing the biometric information is issued. In fact, the UID Scheme is only a means to communicate the number.

b. The statutory framework envisaged made it mandatory to have the UK ID card, whereas enrolment under the UID Scheme is voluntary.

c. In the UK ID Card model, the data fields were large and required the individual to provide accurate information of all other ID numbers such as driver's license, national insurance number and other such details thereby linking the UK ID card database to all other databases on which the individual was registered. UK

programme also involved pooling of data of an individual in one database. The UID Scheme collects minimum information with no linkage. Aadhaar has no provision of pooling of information. The information pertaining to a resident remains federated and in respective silos. Any sharing of a resident information follows due process of law and regulations.

d. The UK legislative framework and structure approached it from a security perspective. The main focus of UK Identity system was on immigration control and security issues. The context and need in India is different. The UID Scheme is envisaged as a means to provide verifiable digital ID that can help better access to welfare benefits and services provided by Governmental and Non-Governmental Organisations.

(iii) It is denied that the reason for creating UIDAI under the Planning Commission was to circumvent the normal accountability process. The Planning Commission like all other Ministries/ Departments of

Government is equally answerable to the Parliament through Minister in charge. The Demand for Grants of the Planning Commission is also approved by the Parliament. The resolution of the Planning Commission in 1950 states that the work of the Planning Commission will affect decisively the future welfare of the people in every sphere of national life. To achieve the said objectives, the Government has been running various social welfare schemes for the marginalised and poor people of the country. However it was observed that the benefits were not reaching to a large number of people, mainly the lower strata of the society, as they were unable to prove their identity to service providers and agencies that dispensed them. As a result, the Government took a conscious decision to identify its residents through the UID Scheme and created UIDAI under the aegis of erstwhile Planning Commission. Article 73 and 162 of the Constitution of India provides that, the Government is not debarred from exercising its executive power in the areas which are not regulated by specific legislation. It is the prerogative of the Government in discharging its executive function to allocate the work / department at the place where it is

most suited. Further, Union Government, took a well-considered decision in 2009 to approve the constitution of the UIDAI under the aegis of the Planning Commission. This was done in view of the fact that the UID Scheme had a pan departmental scope and Planning Commission was the only agency that dealt with most departments.

iv. That the contents of paragraph no. 6 (iv) of the Writ Petition are denied for want of knowledge.

v. That the contents of paragraph no. 6 (v) of the Writ Petition are baseless and denied. It is denied that though Section 14-A of the Citizenship Act, 1955 refers to National Register of Indian Citizen (hereinafter "NRIC"), which has metamorphosed into National Population Register (NPR). It is further denied that the creation of the NPR is the first step towards preparation of the NRIC, and admittedly NPR is not NRIC. It is denied that the amendment of the Citizenship Act, 1995 providing for the NPR without providing for a concomitant bar on access to such information is violative of Article 14 and 21 of the Constitution of India. It is submitted that the NPR is

distinct from the Census of India. While the NPR contains aspects relating to a person's identity, the Census has many more socio-economic, cultural and religious information. It is submitted that most of the items of information collected in the NPR are already available in the public domain in databases like the electoral rolls of the Election Commission of India (ECI), telephone directory, etc. The process of authentication of NPR/NRIC is designed to provide maximum transparency and has elements of public scrutiny and social vetting.

vi. That the contents of paragraph no. 6 (vi) of the Writ Petition are wrong, misconceived, frivolous and denied. It is denied that the UID Scheme can and has been easily duplicated or faked. It is denied that the expert opinion available in public proves the fallibility of biometric and database systems for such applications. It is further denied that the expert views completely demolish the claims of the Respondents and should serve as a caution to all those who hope that systems such as the UID Scheme would be of any use. It is submitted that the Petitioner has contradicted his own statement earlier in the sub para

wherein he has confirmed that the Respondents have never mentioned the use of the UID Scheme for anti-terrorism purposes or preventing illegal immigration. The UID Scheme is primarily a developmental initiative and its design features have been arrived at with the express purpose of improving delivery of social security benefits and subsidies, plugging leakages and wastes, eliminating fakes and duplicates and enhancing transparency and accountability and it is not driven by security purposes. It is submitted that the UID Scheme is the largest identity scheme in the world seeking to provide a unique identification number to more than 121 crore residents of India. It is further submitted that the Aadhaar biometric system design has followed global best practices. In designing Aadhaar biometric system, existing state-of-the-art biometric systems were reviewed, the world's top biometric experts were consulted, proof of concept study was conducted and built biometric system that is currently considered to be world's best. The biometric data being used is able to uniquely identify individuals to the extent of 99.95% and therefore, it fully serves the objectives of the de-duplication in a rational manner.

vii. That the contents of paragraph no. 6 (vii) of the Writ Petition is wrong, baseless and denied. It is denied that the purpose of the Aadhaar in India and the National ID Card in the United Kingdom is the same. It is further denied that the linkage of Aadhaar with the NPR makes Aadhaar also a toll against illegal immigration and a tool for detection of crime. As regards Petitioner's submissions on the UK ID card project, which is mentioned in the article in 'The Times' UK and was also the subject matter of the study of London School of Economics, it is submitted that there are significant differences between the United Kingdom ID card project and the UID Scheme and to equate the two would not be appropriate. It is further submitted that the said study of the London School of Economics acknowledged that "The concept of a national identity system is supportable but the current proposals are not feasible" and the said study was particularly in the context of United Kingdom. It is reiterated that the sole purpose of UID Scheme is to facilitate access to services and benefits for the residents for both Governmental and non-Governmental sector.

It is also denied that no formal or reliable study has been done. The matter of issuing national ID cards has been examined by expert bodies, group of ministers and by the Parliament of India before Section 14-A of Citizenship Act, 1955 was introduced.

viii. That the contents of paragraph no. 6 (viii) of the Writ Petition are baseless, frivolous and denied unless they are a matter of record. It is vehemently denied that a person who enrolls into the UID Scheme is automatically enrolled into the other databases. It is submitted that the decision that NPR and Aadhaar enrolments should proceed simultaneously with suitable provisions to eliminate avoidable overlap in the collection of biometric, is also in the public domain. It is submitted that NPR enrolment is mandatory and it was decided by the Government that during the course of the NPR enrolment a person has to indicate whether he/she is already enrolled for Aadhaar, and in the event he/she has Aadhaar, the biometric data will not be captured by NPR instead the Aadhaar number / enrolment number will be recorded.

As has been stated earlier the Citizenship Rules provide for the National Identity Number. The Central Government has decided that this number would be the unique number generated after deduplication. However, this does not mean that every person having an Aadhaar number is automatically a citizen of India. Only after due verification of the citizenship status of the individual does the person get included in the National Register of Indian Citizens (NRIC)

ix. That the contents of paragraph no. 6 (ix) of the Writ Petition are baseless and denied. It is submitted that the Citizenship Act, 1955 was amended (notified on 07.01.2004) by inserting Section 14-A and thereafter The Citizenship (Registration and Issue of National Identity Cards) Rules, 2003 were also framed. It is denied that the Citizenship Act does not contemplate the creation of a register and that Section 14A is incongruous with the scheme of the Citizenship Act, 1955. It is further submitted that Section 18 of the Citizenship Act, 1955 gives the Central Government the powers to make rules with regard to:

- a. the procedure to be followed in compulsory registration of Citizens of India;
- b. the manner in which application for revision may be made and the procedure for dealing with such applications ;
- c. any other matter which is to be or may be prescribed under this Act.

It is submitted that Section 14A of the Citizenship Act, 1955 is not incongruous to the scheme of the Act. It has been on the statute book since 2004. The provisions of the Act and Citizenship Rules were used for registering citizens in 13 districts under a pilot project on Multi-purposes National Identity Card (MNIC) which was in operation till 2009. It was also used for creation of National Population Register (NPR) and issue of resident identity cards in 3331 villages across the country in the coastal states/UTs and in the towns of Andaman and Nicobar islands under the coastal security plan after the Mumbai attacks. The Navy Coast Guard and the Maritime Police of the states/UT governments concerned have endorsed the usefulness of such identity cards.

Thus the rules clearly lay down the particulars in respect of every citizen that are required and this includes the National Identity Number. Thus, the Government is within its powers to determine the process of creating the NRIC and the issue of National Identity Number.

x. That the contents of paragraph no. 6 (x) of the Writ Petition are baseless misconceived and hence denied. It is denied that the database, being property, having details of people of India, can be owned and vested only in the President of India, and not in any "authority". It is further denied that to "own" any material or non-material goods, a person must be a juristic entity; and neither the UIDAI nor the Planning Commission/ Respondent No.2 are juristic entities capable of holding properties. It is further denied that neither Respondent No.2 nor Respondent No.3 are juristic persons, they are not capable of entering into contracts and agreement, and all agreements by which Respondent No.3 has appointed 'registrars' are a nullity. It is submitted that the UIDAI was created under the aegis of the Planning Commission and is fully entitled to enter into contract and agreements in

the name of the President of India in terms of Article 299 of the Constitution.

xi. That the contents of paragraph no. 6 (xi) of the Writ Petition are misconceived, irrelevant and denied. It is denied that the said act of establishment of Respondent No.3 could not have been done by a mere approval of the empowered group of ministers, which is not even a body recognized under the Constitution of India. It is submitted that the Planning Commission was constituted vide Government of India Resolution No. 1-P(C)/50 dated 15th March, 1950 to effect decisively the future welfare of the people in every sphere of national life which is a part of Ministry of Planning. It is further submitted that the UIDAI was constituted and notified by the Planning Commission on 28th January, 2009 as an attached office under the aegis of Planning Commission. The role and responsibilities of the UIDAI was laid down in this notification. The Government has given the responsibility for laying down plan and policies to implement UID Scheme to UIDAI and the UIDAI shall own the database and be responsible for its updation and maintenance on an ongoing basis.

xii. That the contents of paragraph no. 6 (xii) of the Writ Petition are a matter of record and merit no response.

xiii. That the contents of paragraph no. 6 (xiii) of the Writ Petition are a matter of record and merit no response.

xiv. That the contents of paragraph no. 6 (xiv) of the Writ Petition are a matter of record and merit no response.

xv. That the contents of paragraph no. 6 (xv) of the Writ Petition are misleading, frivolous and vehemently denied. It is submitted that the lawsuit, filed in the U.S. District Court for the Eastern District of Arkansas, alleged that Accenture LLP submitted or caused to be submitted false claims for payment under numerous contracts with agencies of the United States for information technology services. It is submitted that no such allegations were made against Accenture Services Pvt Ltd., New Delhi (India) and at no point in time the company was under investigation for

properties, nor can it enter into agreements/contracts in its own right. It is denied that the impugned notification is bad in law as it attempts to vest ownership of a database in a non-juristic entity, which is not even accountable to the Parliament.

xix. That the contents of paragraph no. 6 (xix) of the Writ Petition are a matter of record and merit no response.

xx. That the contents of paragraph no. 6 (xx) of the Writ Petition are wrong, frivolous and denied in totality. It is denied that Respondent No.3 has planned an 'economic model' for the UID Scheme, which gives it a flavour of a business enterprise. The contention of the Petitioner that the economic model relates to linkage of silos of information and unhindered share of private information is totally unfounded and is completely denied. It is submitted that the levy of user charges or fees by any Government agency does not make it a business enterprise. It is further submitted that the Aadhaar enrolment process and issuance of Aadhaar number are provided to the residents free of charge and the

whole expenditure is borne by the Government of India through budgetary support. It is pertinent to mention here that any revenue that may accrue on account of user charges or fees will be credited to the Consolidated Fund of India. It is reiterated that the UID Scheme is primarily a developmental initiative and its design features have been arrived at with the express purpose of improving delivery of social security benefits and subsidies, plugging leakages and wastes, eliminating fakes and duplicates and enhancing transparency and accountability. It is submitted that the authentication services used by various agencies are provided free of cost to the respective agencies. It is further submitted that there is no sharing of data as alleged by the Petitioner and the UID Scheme only provides a verification service for which it may levy nominal charge on the user agencies as approved by the Government and the Government is free to implement any duly approved policies which may facilitate sustenance of the UID Scheme in a financially prudent manner, while adhering to stringent quality controls.

xxi-xxiv. That the contents of paragraph nos. 6 (xxi-xxiv) of the Writ Petition are wrong, misconceived and hence denied. It is denied that the objective of the UID Schemeto have a "universal" database of all the residents of India cannot be achieved until and unless the Government encroaches upon the fundamental and core private rights, and therefore, the scheme is required to be statutorily provided. It is denied that there are no provisions in the UID Scheme to even apprise the people of India of the consequences of such enrolment and how it affects legal rights of individuals. It is denied that the Respondent No.3 through its Registrars has made enrolment for availment of certain services mandatory, which design is also reflected from the Strategy Overview prepared by Respondent No.3 in April, 2010. It is submitted that a resident who seeks to obtain an Aadhaar number is required to provide his/her demographic and biometric information to enrolling agencies appointed and nominated by Registrars using security verification processes prescribed by Government. This requirement was put in place after careful deliberation to ensure that the data collected is clean right from the beginning of the programme.

It is further submitted that the enrolment process remains optional and is not mandatory. Different Government agencies and State Governments may leverage it due to the UID Scheme's unique ability to identify their beneficiaries, by weeding out fake and duplicate entries and bring about efficiency, transparency and high level of audit in the delivery of services.

It is reiterated that the UID Scheme is providing an Aadhaar Number to the residents, on a voluntary basis, does not in any manner amount to an infringement of Fundamental Rights guaranteed under Part III of the Constitution of India. The consent of the individual is a 'sine qua non' before issuing an Aadhaar Number as well as for every further usage. It is an entirely voluntary scheme with the object to promote inclusion and benefit to the marginalized sections of society who have no formal proof of identity vis-à-vis the State and hence experience difficulties in accessing various welfare schemes that are implemented by the Government of India and State Governments.

Also, the use of special identifiers to disburse benefits and subsidies is a long standing administrative practice of the Government in India. For instance a photo ration card is a prerequisite to draw subsidized ration from a fair price shop. A bank account is a prerequisite for drawing wages under MGNREGA. Obtaining a ration card as also a bank account may impose some inconvenience on beneficiaries but the benefits of these instruments outweigh inconvenience and their usage in larger public interest has not been put to question by any authority. The introduction of the UID Scheme needs to be seen in the same vein and as a part of the continuing quest of the Government to improve efficient and transparent delivery of public services.

xxv. That the contents of paragraph no. 6(xxv) of the Writ Petition are frivolous and denied. It is specifically denied that the UID Scheme does not have any legal sanction, which it ought to have under the Constitution of India. It is denied that the things that the UID Scheme seeks to achieve, will seriously affect the lives of people of India and make incursions on

the guaranteed fundamental rights of the citizens, and as such the same cannot be achieved unless the same arises out of "authority of law" within the Constitutional framework. It is denied that merely by the impugned notification, UIDAI/Respondent No.3 cannot be established and be ordained to function affecting rights of the people of India. It is denied that the Respondent No.1 is assuming itself as the "essential law making function" of the Parliament. It is humbly submitted that it is an established principle of law that the executive cannot act against the provisions of a law. However, in view of Article 73 and 162 of the Constitution of India, the respective Government is not debarred from exercising its executive power in the areas which are not regulated by a specific legislation.

xxvi. That the contents of paragraph no. 6 (xxvi) of the Writ Petition are a matter of record and merit no response.

xxvii. That the contents of paragraph no. 6 (xxvii) of the Writ Petition are speculative and denied for want of knowledge. It is submitted that the Chairperson

was invited to be one of the speakers in the Conference. However, it is denied that an invitation to speak to a conference (that he did not attend) could lead to any conflict of interest. At the Conference award was announced acknowledging his role in promoting ID related technology. The Conference was endorsed by European Commission and conducted under the patronage of the Presidency of the Council of Ministers and the Ministry of Foreign Affairs of Italy. There is no reference to any company being sponsor of the conference. Further L1 Identity Solution Pvt. Ltd., a company registered in India, is one of the three solution providers engaged by the UIDAI for the process of de-duplication which highlights the vendor neutrality approach adopted by UIDAI. The vendor neutrality further ensures anonymisation of the data being processed and as such the Petitioner's allegation that there is a grave national threat is baseless is strongly denied.

xxviii. That the contents of paragraph no. 6 (xxviii) of the Writ Petition are baseless, misconceived and denied. The allegation that the UID Scheme had not taken any action in the light of the sting operation

in Karnataka in the matters of the enrolment fraud involving Comat Technologies are baseless and is vehemently denied. It is confirmed that the UIDAI takes appropriate action against the agencies for noncompliance of process and guidelines on enrolments. The processes adopted by UIDAI ensures that every operator and enrolment agency is linked to an enrolment packet. In case any malpractice or process errors is noticed subsequently, the operator or the enrolment agency is liable to be proceeded against. A large number of operators have been blacklisted and agencies suspended for violations, and are further liable for prosecution. It is submitted that any creation of a mal-intentioned enrolment packet which involves connivance or impersonation is an offence under Indian Penal Code as well as IT Act. It is submitted that some agencies have been removed from the panel that have not performed as per established processes and guidelines. In the particular incident, some residents of Mysore, Karnataka had colluded with the Central Government Notary and leaving blank space in the place of name, address in the stamp paper and other personal details such as number of years at the place of residence and date of

birth, the attestation signature of the notary was obtained without getting the signature of the applicants. Such stamp papers were then used to filing the details of the residents who are not having any documents regarding permanent residence and were used to apply and enrol for the UID Scheme. A fake enrolment is liable to be rejected if the due processes and conditions have not been followed. A total of more than 08 crore Aadhaar enrolments have been rejected for various reasons including fake enrolments. The issues were taken up with a serious note by UIDAI and immediately the CeG (Centre for e-governance) being the nodal department of the Registrar, Government of Karnataka was duly instructed to take corrective measures immediately who in turn had filed the necessary FIR in the concerned police station. The copies of the extract showing the action taken by the Govt. Of Karnataka is annexed hereto and marked as **Annexure R-18** (Colly). ^(Pg. 373 to 386) A case was duly registered on behalf of the Govt of Karnataka, being one of the registrar of the UID Scheme, under Section 420, 468, 471 of IPC and the complaint was duly submitted before the Mysore City Civil Court.

xxix That the contents of paragraph no. 6 (xxix) of the Writ Petition is denied. The purposes of the UID Scheme and task force to recommend implementable solution for direct benefit transfer using Aadhaar based authentication are different. Ministry of Finance, Government of India had constituted on 14.02.2011, a Task Force under the Chairmanship of Shri. Nandan Nilekani, the then Chairman, UIDAI to recommend and implement a solution for direct transfer of subsidies on Kerosene, LPG and Fertilizer to the intended beneficiaries. The Task Force, headed by Shri. Nandan Nilekani, Chairman, UIDAI had as members:-

1. Secretary, Expenditure
2. Secretary, Financial Services
3. Secretary, Petroleum and Natural Gas
4. Secretary, Chemicals and Fertilizer
5. Secretary, Rural Development
6. Secretary, Agriculture
7. Secretary, Food and Public Distribution
8. DG, UIDAI
9. State Government representatives as decided by the Task Force.

Further, in addition, the Task Force was also mandated to co-opt members who were, inter alia, experts, academicians and domain specialists to the Task Force based on necessity.

The initial Terms of Reference of the Task Force was follows:-

- The Task Force will study the present mechanism of transfer of subsidies on Kerosene, LPG and Fertilizer, challenges and problems in the governance structures and delivery systems;
- Examine and suggest an implementable solution for direct transfer of subsidies on Kerosene, LPG and Fertilizer to intended beneficiaries with the use of Aadhaar numbers (Unique Identification numbers), Aadhaar enabled transactions and Aadhaar authentication infrastructure of the UIDAI;
- Identify and suggest required changes in the existing systems, processes and procedures, IT frameworks and supply chain management;

- Oversee and evaluate the implementation of the solution proposed on a pilot basis through the concerned Implementing Ministries; and
- Suggest a common framework to adopt the above solution of direct subsidies in cash or otherwise for other Government welfare schemes.

The Terms of Reference was extended on 13.07.2011 to include the following:-

- Identify and suggest required changes in the existing systems, process and procedures, IT frameworks and supply chain management;
- Recommended institutional mechanisms to implement the IT strategy of PDS; and
- Examine and suggest an implementable solution for direct transfer of subsidies on food and kerosene to intended beneficiaries with the use of Aadhaar numbers, Aadhaar enabled transactions and Aadhaar authentication infrastructure.

The Terms of Reference was again extended to include Aadhaar enabled unified payment infrastructure amongst others. Extract of the Terms of Reference of

the Task Force is annexed hereto and marked as

Annexure R-19 (olly) Pg. 387 to 401

All the above terms of reference clearly indicate that they dealt with subjects which validate the UID Scheme for better targeting and distribution and had representation across Ministries. Therefore, there is no question the Task Force could have preceded the constitution of UIDAI. The Petitioner has failed to substantiate where the conflict of interest lies.

xxx That the contents of paragraph no. 6 (xxx) of the Writ Petition are baseless and denied. It is submitted that there was no lack of propriety to roll out the UID Scheme. The Government has sanctioned a total outlay of Rs. 13663.22 crore for the period 2009-2017 for the project. It is reiterated that the expenditure for the UID Scheme forms part of the Demand for Grants which is discussed and passed by the Parliament. The expenditure is also audited by the Comptroller and Auditor General of India.

xxxi. That the contents of paragraph no. 6 (xxxi) of the Writ Petition are a matter of record and merit no

response. It is however, submitted that the recommendations made by the Standing Committee of the Parliament with respect to the Bill submitted to it, is neither binding on the Parliament nor becomes a rider on the executive action of the Government taken under article 73 of the Constitution of India. It is further submitted that the Kerala High Court, in Rev. Fr. Joseph Valamangalam and Others Vs State of Kerala AIR 1958 Kerala 290 held, that the legislature is in the process of making a law governing the matters covered by the policy/orders and does not in any manner affect the executive power of the state in respect of those matters until the law is actually made.

xxxii That the contents of paragraph no. 6 (xxxii) of the Writ Petition are false, misconceived and vehemently denied. It is denied that the agents and contractors that have been appointed by Respondent No.3 have been so appointed without any due background check, and as a consequence, entities who have defrauded the Governments have also been inducted as contractors. It is submitted that agencies are empanelled for collecting biometrics and

demographic information of individual resident under the UID Scheme for one year. The empanelment process is based on expression of interest and /or Request for Empanelment (RFE), qualification of the bidders. The requests received are scrutinized for minimum eligibility conditions under technical evaluation followed by financial evaluation. Those applicant agencies which do not meet the minimum eligibility criteria get outright rejected. The enrolment agencies in various categories indicating their strength and abilities are empanelled. A copy of the RFE issued by UIDAI is annexed hereto and marked as **Annexure**

R-20(~~6847~~) (Pg. 402 to 491)

It is submitted that any concealment of critical information makes the bidder liable to debarment and dis-empanelment. The existing (empanelled) agencies may apply afresh for renewal of empanelment along with other agencies. Therefore, the number of agencies vary every year. It is also stated that the enrolment agencies can undertake enrolments only after their consent to the laid down terms and conditions.

It is submitted that M/S COMAT Technologies had applied for empanelment in response to RFE containing detailed instructions and minimum eligibility conditions for participation. Subsequently, based on the documents submitted, processed / examined for Technical / financial eligibilities as per the established norms and practices, M/s COMAT was empanelled during year 2010- 11 and 2011-12. The averment that UIDAI had appointed COMAT as Enrolment agency is vehemently denied. UIDAI only empanels agencies and the actual contract for any further work is assigned and finalised by the respective Registrars. In this particular case of COMAT, the assignment of enrolment was the responsibility of the State Government / Registrar.

It is submitted that the Petitioner's averments related to M/s COMAT having defaulted in contract with the Government of Karnataka, has no relation with UIDAI. The CAG Report quoted by the petitioner relates to the performance audit of Food, Civil Supplies and Consumer Affairs Department of Karnataka for the year ending 31.03. 2011. The empanelment of COMAT by UIDAI was on 12.07.2010. It is further submitted

that the CAG Report quoted in the Petition is for the year ending March 2011 and there is no way UIDAI would have had this knowledge at the time of empanelment of M/S COMAT Technologies.

It is further submitted that the Respondent takes appropriate action against the agencies for noncompliance of process and guidelines on enrolments. It has removed some agencies from the panel that have not performed as per established processes and guidelines.

xxxiii. That the contents of paragraph no. 6 (xxxiii) of the Writ Petition are wrong, baseless and hence denied. It is denied that any reply was provided by the Respondent to the Petitioner on 21.07.2011. This Hon'ble Court may take note that the said RTI reply by UIDAI was given to one Mr. Veeresh Malik and not the instant petitioner.

xxxiv. That the contents of paragraph no. 6 (xxxiv) of the Writ Petition are a matter of record. It is submitted that the Report of the Standing Committee clearly acknowledges in Part I, Para 2 of the

introduction, that it was the Government itself which had observed and assessed inter alia, that issues of confidentiality, investigation, unauthorized disclosure, imposition of obligation to disclose and security of data "should be addressed by law and attract penalties".

xxxv. That the contents of paragraph no. 6 (xxxv) of the Writ Petition are a matter of record and merit no response.

xxxvi. That the contents of paragraph no. 6 (xxxvi) of the Writ Petition are wrong and denied. It is submitted that the Government has always paid close attention to the subject of data protection. The Government is determined to bring legislation on Right to Privacy which is at consultation stage and till such a time that legislation specific to data protection comes about, all data protection issues are covered by the provisions of Information Technology Act, Indian Penal Code and other existing laws.

It is further submitted that the collection of minimal biometric data and fully secure end to end encryption

as well as logical partitioning, firewalling and anonymisation of decrypted biometric data protects the privacy of individuals as also prevents tampering of biometric information. Vendors have controlled access to the data and no database contains complete data. It is partitioned into multiple databases and zones for further protection. Raw biometric data is never stored unencrypted anywhere even within the data centres. There is no question of facilitating any access to personal data of residents. Data access is only given when due authorisation is provided by resident. As such the allegation of the Petitioner that there is a violation of fundamental rights is strongly denied. It is also submitted that the minimal demographic data that is collected in respect of enrolees is already available with several agencies in the country and some of it is also available in various public domains e.g. electoral rolls, telephone directories etc.

xxxvii. That the contents of paragraph no. 6 (xxxvii) of the Writ Petition merit no response and are denied for want of knowledge as the issue raised in the para under reply pertains to the Government of

Maharashtra, who are also impleaded in the present Writ Petition.

xxxviii. That the contents of paragraph no. 6 (xxxviii) of the Writ Petition are a matter of record and merit no response.

xxxix. That the contents of paragraph no. 6 (xxxix) of the Writ Petition are admitted in so far as they are a matter of record and merit no response. However, as stated earlier in the Preliminary submissions, it is mischievous on the part of the Petitioner to not inform this Hon'ble Court regarding the order of the Hon'ble High Court of Karnataka with regards to deposit of costs which have not been complied with by the Petitioner.

xl. That the contents of paragraph no. 6 (xl) of the Writ Petition are a matter of record and merit no response. However, it is submitted that the views of the Standing Committee are part of the consultative process in obtaining legislative approval and examined carefully and given due consideration. However these are not mandatory in nature. It is further submitted

that in the interim, the Information Technology Act, 2000 and Rules made thereunder are sufficient to regulate the collection, disclosure, and use of sensitive personal data of individuals as well as for providing punishment for any violations/offences under the said Act.

xli. That the contents of paragraph no. 6 (xli) of the Writ Petition are a matter of record and merit no response. However, the Respondent No. 1 states that the Govt. of NCT of Delhi vide its letter No. F.36 (190)/Coordn./Div.Com/2013/822 dated 24.03.2015 has issued instructions for strict compliance of the orders dated 23.09.2013 and 16.03.2015 of the Hon'ble Supreme Court.

It is further submitted that in order to bring efficiency in delivery of benefits and their timelines with accurately targeting of intended beneficiaries, the Government extended Direct Benefit Transfer (DBT) to all schemes/projects that have components of cash transfers to individual beneficiaries. Accordingly, an electronic payment framework is to be followed by all Ministries/ Departments and their attached

Institutions/PSUs and is applicable on all Central Sector (CS)/ Centrally Sponsored Schemes (CSS) and for all schemes where components of cash is transferred to individual beneficiaries, was laid down. In compliance of the orders dated 23.9.2013 and 16.4.2015 of this Hon'ble Court, it was clarified that no eligible beneficiary suffers for want of enrolment into the UID Scheme. Thus, the UID Scheme is preferred but it is not mandatory in DBT schemes and beneficiaries are encouraged to enrol into the UID Scheme.

xlii. That the contents of paragraph no. 6 (xlii) of the Writ Petition are wrong and denied. It is submitted that the use of Aadhaar in beneficiary database of LPG customer can and does eliminate ghost and duplicate beneficiaries. IOCL has reported on industry basis that a de-duplication exercise was conducted on the basis of 8.08 crore Aadhaar numbers which have been collected so far to find out the cases where same Aadhaar numbers have been found against two or more LPG connections thereby indicating two LPG connections by the same individual which is a violation of the LPG Control Order. The Aadhaar based de-

duplication has now detected around 8 lakh such connections afresh, which were not detected in earlier de-duplication process. This clearly indicates that Aadhaar is a superior method of verification and would lead to the saving in subsidy by eliminating duplicate connections.

xliii. That the contents of paragraph no. 6 (xliii) of the Writ Petition are a matter of record and merit no response. It is however submitted that for issuance of Passports, a number of documents are accepted as proof of residence and proof of identity. The Aadhaar number has been added from January, 2013 as a proof of address, and if Aadhaar issuance date is less than a year from passport application processing date at Passport Seva Kendra (PSK), it should be accompanied by one more proof of address out of the given categories. The Aadhaar number is also accepted as proof of identity as part of passport issuance process. It is also relevant to note that the Petitioner in the para under reply, is itself accepting the non-mandatory nature of Aadhaar as leveraged by the Ministry of External Affairs.

xliv. That the contents of paragraph no. 6 (xliv) of the Writ Petition are a matter of record and merit no response. It is however submitted that all the reports of the Standing Committee on Finance for Demands for Grants, including the 69th Report, pointed out by the Petitioner has been examined and duly replied.

xliv. That the contents of paragraph no. 6 (xlv) of the Writ Petition merit no response.

xlvi. That the contents of paragraph no. 6 (xlv) of the Writ Petition are wrong, baseless, misconceived and denied. The averments are denied and it is respectfully submitted that the Petitioner is stating his personal views which are not based on facts and are in the nature of vague generalities. It is submitted that use of the UID Scheme for availing services and subsidies is less intrusive than any other means adopted at present. As mentioned in the preliminary submissions, it is reiterated that the UID Scheme has wide scale usage in MGNREGA project and there is adequate data to prove its usefulness. Use of Aadhaar number for financial inclusion will enable residents' access to common banking services through Banking

Correspondent Scheme. Authentication through Aadhaar requires only mobile connectivity which is available in almost 97% of the territory of the country. The fact that benefits or wages are transferred directly to the beneficiaries' bank account addresses the issue of extortion, collusion and deception. The use of the UID Scheme in attendance system eliminates fudging or fraud. Further, it is submitted that the UID Scheme based attendance system has already proved that it is a robust mechanism to monitor presence and any probability of finger print mismatch has been addressed by usage of Iris authentication. A combination of finger print and / or Iris authentication has the potential to attain near 100% success.

It is further submitted that the Petitioner acknowledges that financial inclusion requires establishment of correct criteria to bestow benefits and there should not be any objection to the 'correct criteria' for implementing the UID Scheme, since the benefits of the scheme include:

- Removal of 'ghosts' and duplicates – Huge savings on account of leaner list
- End-to-end-transparency – audit trail shows the whole flow of Government to People (G2P) transaction
- Reduction in fraud and corruption – the diversion of public resources can be eliminated
- Targeting – Will prevent beneficiaries from falsely claiming in-eligible claims. E.g. Income tax payee not claiming BPL benefits or a resident claiming both LPG and kerosene subsidy etc.

It is further submitted that the implementation of the UID Scheme is a tool for empowerment of the target groups, both by way of ensuring that they actually get their due entitlements and by facilitating effective use of public funds.

It is denied that the UID Scheme only seeks to provide only another 'identity card'. The UID Scheme provides a unique, portable and lifelong identity, as part of a totally voluntary scheme. Once a resident enrolls under the UID Scheme and gives consent for its

use across domains for availing benefits, the very process of Aadhaar authentication frees the resident from carrying additional documents to multiple departments to prove his identity. Consistent with the voluntary nature of the scheme, it is only logical that the Pradhan Mantri Jan Dhan Yojana does not mandate use of the UID Scheme.

It is submitted that the Petitioner has failed to appreciate that the UID Scheme has benefitted in a very demonstrable manner not just the residents but also government agencies by better scheme targeting, efficient implementation and reduction in wastage of funds and corruption. It is further submitted that Aadhaar number have already been issued to over 80.46 crore residents as on 31st March, 2015 and the scheme is rapidly proving its utility in the country. As an ongoing scheme, it undergoes constant cycles of review and improvements. Accordingly at this stage it cannot be asserted that there is further requirement for 'a material and pilot study'.

xlvi. That the contents of paragraph no. 6 (xlvi) of the Writ Petition are vague, unsubstantiated and

denied. The contents of the preliminary submissions are not repeated herein for the sake of brevity. However, in addition it is submitted that the MGNREGA assures 100 days of unskilled work in a financial year for any rural household that demands for the same. Already, 12.25 Crore rural households with 28.58 Crore workers have enrolled themselves for work under the Act and have been issued job cards. From the above mentioned number, at least half of them are active workers having worked at some point of time in the last 3 years. Each year, nearly 1 Crore jobs are opened to provide work to the workers.

It is further submitted that considering the magnitude of implementation of the Act, it demands setting up systems that can register demand for work, allocates work, generates muster rolls, verifies the value of work done, generates pay orders and ensures payment within 15 days from the date of work. At every stage of this chain, there are challenges of potential leakages or non-fulfilment of rights conferred on the people under the Act. The Government is constantly monitoring various processes using

technology and is committed to improving the system so that the entitlements to the poor are better delivered. Based on assessment of the implementation in the field, it was identified that fake job cards, impersonation, bogus musters, theft of wages by middlemen and delays in payment are some of the most important problems that needed to be addressed.

It is further submitted that with a view to plug these leakages, Government has taken a series of measures which include: (a) end-to-end computerisation and placing the data proactively in public domain (b) online and transparent process to register demand (c) electronic muster that weed out bogus workers (d) payments through postal/bank accounts and (e) biometric smart cards in Andhra Pradesh/Telangana.

It is further submitted that after review of the measures already taken, the Government came to a conclusion that the existing database of workers needs to be 'sanitised' using the UID Scheme, since the issue of bogus workers could not be resolved with the existing measures. If all workers are enrolled into

the UID Scheme and the same is registered in the database, at once, all duplicate/non-existent records can be eliminated. That would enable better delivery of entitlements to the genuine workers, without the Government money being pilfered by unscrupulous elements. Such a unique identification is available under the UID Scheme.

It is further submitted that there is an issue of last mile delivery of wages. To improve the banking reach, Government introduced 'Bank Mitras' who are equipped with biometric machines using which, any worker can operate his bank account from the comfort of his village. Nearly 1.23 lakh such Bank Mitras have been placed by the Banks so far, and efforts are going on to make them more effective. This banking extension service cannot operate unless there is biometric authentication of the account holder. There is no biometric database available in the world that is so technically sound. Besides, the transactions done by the Bank Mitras are all electronic, for which electronic trail is available which can be monitored by anyone, from any part of the country. Therefore, the association with the UID Scheme adds not only to the

transparency and accountability mechanism of MGNREGA, it also weeds out bogus cards, allows greater focus on genuine workers but allows disbursement of wages at their village without allowing unscrupulous middlemen 'stealing' their wages.

It is therefore respectfully submitted that linking Aadhaar to the delivery system of MGNREGA improved the service delivery and helped in weeding out irregularities in implementation. It provides an important instrument to the Government in its endeavour to make the implementation better.

It is submitted that with regard to the problems in using the Aadhaar identification system in villages which are not connected with any mobile telephone service, it is submitted that with mobile telephone penetration being very high, and is constantly expanding, such areas are very few. The pessimism of the Petitioner about door-step banking is also incorrect. The door step banking is a fully functional programme. For instance, over 30 lakh people have been receiving their wages/benefits every month in Andhra Pradesh alone.

It is further submitted that it may be noted that freeing Government from managing paper based processes and reducing leakages and corruption in turn releases additional resources which can then be used for strengthening the implementation of schemes across multiple sectors. Thus, the UID Scheme facilitates a virtuous cycle of economic development. It may be added that socio-economic development requires a wide variety of interventions customized to the issues at hand by various Government departments and agencies. While the UID Scheme has never been presented as the only measure for improving public policy implementation, it has strengthened the service delivery mechanism across the board and delivered visible results as indicated earlier.

It is submitted that the Petitioners contention of using hand cream that creates problem for finger print readers is confusing and has little or no relevance. Any probability of finger print mismatch has been addressed by usage of Iris authentication. A

combination of finger print and / or Iris authentication has the potential to attain near 100% success.

xlvi. That the contents of paragraph no. 6 (xlvi) of the Writ Petition are baseless, misconceived and hence denied. It is submitted that the UID Scheme is based on the deliberation of Committee of Secretaries, Empowered Group of Ministers and wide scale consultations. The UID Scheme was conceived to provide a unique identification number as a proof of identity to each resident across the country. Before the advent of UID Scheme, there was no single document which was uniformly acceptable as a proof of identity across India, irrespective of age, gender and familial connections. It was recognised that the inability to prove identity is one of the biggest barriers preventing the poor from accessing benefits and subsidies. The aim was to ensure enrolment of children, differently-abled persons, the poor and marginalised for many of whom enrolment into the UID Scheme would be the first form of identification so as to facilitate an inclusive development trajectory.

It is reiterated that the Aadhaar number is a 12-digit random number devoid of any classification based on caste, creed, religion and geography. The number is stored in a centralized database and linked to the basic demographics and biometric information – photograph, ten fingerprints and iris – of each individual. The number can be verified and authenticated in an online, cost-effective manner, which is robust enough to eliminate duplicate and fake identities. Having such a process in place is likely to improve targeting of beneficiaries, curb pilferage and eliminate waste.

It is submitted that the Petitioner's contention that exclusion of persons from government schemes is due to poor coverage linked to low allocation for these programs and misclassification of people is merely his own opinion and is denied.

It is submitted that the facts regarding leakages in welfare schemes are mentioned in numerous reports of the Comptroller and Auditor General of India which are in public domain. Attention is also invited to an article in the Journal of Government Audit and

Accounts, issue 1, Nov 2013, wherein the utility of the UID Scheme for effective audit have been highlighted. It has been stated therein that

"From the Auditors perspective, availability of reliable data/information is the foundation of any audit of economy, effectiveness and efficiency else the conclusions drawn based on unreliable data are liable to be drastically skewed. In the existing system, which does not provide authentic data on end users/beneficiaries and data is generated through multiple sources in the system, Auditors sieve through unmanageable and complex data and apply corroborative procedures to assess the reliability of data."

Aadhaar with its unique features provides a technology driven solution to overcome the opaqueness and limitations of the existing eco system and is distinctly different from the other IT initiatives developed thus so far. By enabling end use tracking, non repudiable data is collected at source in a structured form serving as a single source of truth, which is continuously updated on an ongoing basis.

Reliable electronic data collected and integrated in a standardised form would be readily available to Audit.

The robust Aadhaar architecture therefore enables end use tracking, enhances the effectiveness of control framework, eliminates intermediary processes, promotes transparency, aids good governance and enables enhanced scrutiny by audit...”

It is further submitted that the key role of the UID Scheme is that of an enabler – a number that helps government design better welfare programs, enables residents to access benefits and services wherever they live, and allows agencies to deliver benefits and services effectively and transparently. The UID Scheme only collects minimal data sufficient to provide unique identity, issue Aadhaar number after de-duplication, manage lifecycle changes and enable online authentication of identity. The respective departments/agencies determine eligibility of a person for welfare benefits. After the initial identification of BPL families, the authentication of the persons can be confirmed through the UID Scheme, at the time of obtaining benefits.

xlix. That the contents of paragraph no. 6 (xlix) of the Writ Petition are wrong, frivolous and denied. It is denied that there has been little thinking and exercise that has gone into the process of use of the UID Scheme. As has been mentioned before, that the UID Scheme is based on the deliberation of Committee of Secretaries, Empowered Group of Ministers and wide scale consultations. It is submitted that the Petitioner has confused electronic portability of the UID Scheme with physical portability of documents such as passports and driving licence. Further the target beneficiaries of the welfare scheme may not have driving licence/passport/pan card etc. due to their financial position. The total number of valid Passports and Driving Licenses is far lower than the number of people who have been enrolled into the UID Scheme. As compared to Passports or driving licence, Aadhaar identity is electronically verifiable instantly on an "any time anywhere" basis. It is further submitted that with the use of UID Scheme, portability of benefits or subsidy has also become possible e.g. LPG subsidy payments if the consumer's details are seeded with Aadhaar. It is asserted that use of UID Scheme in beneficiary database can and does eliminate ghost

and duplicate beneficiaries. A major advantage of the UID Scheme is that it enables portability to the beneficiary who is free to avail service at any point of delivery / Fair price shop in case a particular delivery point is closed for some reason. Aadhaar authentication is possible by any resident from any place at any time. Hence there is no reason to tie him down to any one delivery point/Fair Price shop. Once a national database of PDS beneficiaries is available, the resident would be free to obtain his service from anywhere in the country even when he is travelling. Portability coupled with targeted delivery has truly empowered the beneficiary as he is not dependent on any one delivery point and he is assured against impersonation.

It is further submitted that the Petitioner has also commented on the costs and benefits of scheme implementation which is purely a matter of policy and not subject matter for a Writ Petition. He has also not provided any details regarding the replies which were received by him against various RTI's, from the Government of Karnataka.

It is further submitted that The World Food Programme (WFP), a specialised agency of the United Nations, had undertaken a detailed study of the Public Distribution System in India. Amongst the many findings, it has been estimated in the report that the UID Scheme will result in an estimated savings of Rs. 13-16 crore per District annually. An extract of the report is annexed hereto and marked as **Annexure R-**

21 (Pg. 492 to 596)

I. That the contents of paragraph no. 6 (I) of the Writ Petition are baseless, misconceived and hence denied. It is completely denied that under the UID Scheme, any restriction or prohibition has been imposed on the residents with regard to access to public benefits. The scheme allows resident to update their residence as a matter of facilitation and to remove the obligation of physically providing proof of change to multiple entities. No data regarding income is collected under the UID Scheme. The cited case is not relevant to the issues under consideration and in no manner whatsoever furthers the case of the Petitioner. On the contrary, the underlying reasoning in the cited case, champions the cause of the UID

Scheme which can be categorized as a strategic policy tool for social inclusion, public sector delivery reform.

It is submitted that in order to bring efficiency in delivery of benefits and their timelines with accurately targeting of intended beneficiaries, the Government extended Direct Benefit Transfer (DBT) to all schemes/projects that have components of cash transfers to individual beneficiaries. Accordingly Electronic Payment Framework to be followed by all Ministries/ Departments and their attached Institutions/PSUs and is applicable on all Central Sector (CS)/ Centrally Sponsored Schemes (CSS) and for all schemes where components of cash is transferred to individual beneficiaries, was laid down. In compliance of the orders dated 23.9.2013 and 16.4.2015 of this Hon'ble Court, it was clarified that no eligible beneficiary suffers for want of Aadhaar. Thus the UID Scheme is preferred but it is not mandatory in DBT schemes and beneficiaries are encouraged to have Aadhaar.

li. That the contents of paragraph no. 6 (li) of the Writ Petition are vague, unsubstantiated and denied.

It is reiterated that Aadhaar is a 12-digit random number devoid of any classification based on caste, creed, religion and geography. The number is stored in a centralized database and linked to the basic demographics and biometric information – photograph, ten fingerprints and iris – of each individual. The number can be verified and authenticated in an online, cost-effective manner, which is robust enough to eliminate duplicate and fake identities. Having such a process in place is likely to improve targeting of beneficiaries, curb pilferage and eliminate waste.

lii. That the contents of paragraph no. 6 (lii) of the Writ Petition are wrong and denied. It is submitted that the Direct Benefit Transfer for LPG gas ("**DBTL**") scheme was launched in 18 districts w.e.f. 01.06.2013 and was further extended to two more districts by 01.08.2013. With the Implementation of DBTL in these 20 districts, it was observed that the consumption of domestic LPG got reduced during the period 01.09.2013 to 31.01.2014 vis-a-vis remaining part of the country as can be seen below:

Category	01.09.2013 to 31.01.2014			01.09.2012 to 31.01.2013			Growth (%)		
	All India	20 Districts	Rest of India except 20 Districts	All India	20 Districts	Rest of India except 20 Districts	All India	20 Districts	Rest of India except 20 Districts
Domestic sale of OMC in (MT)	6200773	352519	5848254	5589408	389531	5199877	11%	-10%	12%

It is further submitted that the Essentials Commodities Act is in force prior to DBTL implementation and is also applicable after the launch of DBTL in the country. DBTL is a systematic change in the process of subsidy administration. By linking unique Aadhaar number with each LPG customer, it is made possible to transfer the subsidy to the bank account of the customer having only Aadhaar validation at distributor and bank. With the uniqueness of Aadhaar number and linking the same with LPG customer, the possibility of one customer having multiple subsidized connections has been minimized. This kind at mapping of unique details with each LPG customer can be used for easy detection of multiple connections.

liii. That the contents of paragraph no. 6 (liii) of the Writ Petition are wrong and denied. It is submitted

that the assertion of the petitioner that prior to delivery of LPG cylinder the biometric stamp of the LPG consumers will be put by the delivery boy and that this is a pre-requisite for the transfer of LPG subsidy under the DBTL Scheme into the bank accounts is incorrect. There is no requirement of biometric verification prior to delivery in the Scheme. Once the LPG consumer no. and the bank account no. is linked to the Aadhaar or the consumer provides the bank account to the Oil Marketing Companies (OMCs), the subsidy is transferred into the bank account on delivery of cylinder without any biometric authentication.

(liv) That the contents of paragraph no. 6 (liv) of the Writ Petition are wrong and denied. It is submitted to the Hon'ble Court that soon after the order of this Court dated 23.09.2013, the UIDAI had filed an Application for Modification and Clarification (IA No. 6 in W.P No. 494 of 2012 and other related matters). Wherein the following had been submitted:-

"It may be mentioned that the Government has specific agencies to perform the task of verifying

is submitted that having filed the earlier petition himself and having obtained the order of the Court on the matter, the Petitioner has made mischievous averments and is trying to waste the precious time of this court by bringing up the matter again and is only showing absence of trust in the earlier directions of this Hon'ble Court.

It is submitted that the Ministry of Petroleum & Natural Gas modified the original DBTL scheme in which Aadhaar was mandatory to receive the subsidy. The current scheme in compliance of the order dated 23.09.2013 by the Hon'ble Supreme Court, and Aadhaar is not mandatory for receiving the subsidy. A consumer, if he does not possess Aadhaar, can receive subsidy by merely furnishing the bank account number. It is further submitted that in order to bring efficiency in delivery of benefits and their timelines with accurately targeting of intended beneficiaries, the Government extended Direct Benefit Transfer (DBT) to all schemes/projects that have components of cash transfers to individual beneficiaries. Accordingly Electronic Payment Framework to be followed by all Ministries/ Departments and their attached

Institutions/PSUs and is applicable on all Central Sector (CS)/ Centrally Sponsored Schemes (CSS) and for all schemes where components of cash is transferred to individual beneficiaries, was laid down. In compliance of the orders dated 23.9.2013 and 16.4.2015 of this Hon'ble Court, it was clarified that no eligible beneficiary suffers for want of Aadhaar. Thus Aadhaar is preferred but it is not mandatory in DBT schemes and beneficiaries are encouraged to have enrolled into the UID Scheme.

lv. That the contents of paragraph no. 6 (lv) of the Writ Petition are wrong and denied. It is submitted to this Hon'ble Court that the Respondent is bound by the confidentiality clauses as contained in the disclosure statement. The sensitivity of the information contained in the Bid documents and agreements thereof is of such magnitude that if disclosed might pose a national threat. The Government has always taken privacy issues with utmost importance and has never indulged in divulging Third Party Information as its policy. Further, it is pertinent to note that the petitioner has also filed a Writ Petition (Civil) No 9143/2014 before

the Hon'ble High Court of Delhi in which show cause notice of admission has been issued for 05.05.2015 in the said matter wherein the Petitioner alleges non furnishing of complete contract documents submitted to the Petitioner in reply to his RTI application for the same. It is submitted that due security procedures were followed, keeping in mind the RTI Act and information was provided to the Petitioner. As the matter is sub-judice, the Respondent shall refrain from commenting on the same.

It is submitted that the Petitioner has consciously and mischievously concealed facts before this Hon'ble Court by not mentioning the Writ Petition filed before the High Court of Delhi, wherein the Petitioner has inter-alia alleged that CIC and UIDAI acted in unison to deny information. As the merits of the matter would be duly considered by the Delhi High Court there is no cause to agitate this issue before the Apex Court at this stage.

It is further submitted that the guidelines of the Hon'ble Supreme Court in petitions relating to PIL provide that "The matters which can be dealt with by

the High Court or any other authority may be sent to them without any comment whatsoever instead of all such matters being heard judicially in this Court only."

lvi. That the contents of paragraph no. 6 (lvi) of the Writ Petition are frivolous and denied. It is reiterated that IOCL has reported on industry basis that a de-duplication exercise was conducted on the basis of 8.08 crore Aadhaar numbers which have been collected so far to find out the cases where same Aadhaar numbers have been found against two or more LPG connections thereby indicating two LPG connections by the same individual which is a violation of the LPG Control Order. The Aadhaar based de-duplication has now detected around 8 lakh such connections afresh, which were not detected in earlier de-duplication process. This clearly indicates that the UID Scheme is a superior method of verification and would lead to the saving in subsidy by eliminating duplicate connections.

lvii. That the contents of paragraph no. 6 (lvii) of the Writ Petition are wrong and denied. It is submitted that as on 5.5.2015, a total of 12.7 crore residents

had joined the scheme and an amount of Rs.11500 crore has been transferred via 37 crore bank transactions. The funds are transferred electronically and there is no manual intervention in the transfer of funds at OMCs. As stated earlier, there is no biometric verification for delivery of cylinders and thus the apprehension raised by the Petitioner is unfounded. There is no biometric authentication prior to delivery, thus the statement is unfounded. The transfer of subsidy to the bank accounts does play a critical role in preventing diversion of subsidy as it removes incentive for diversion of the subsidized cylinders to the black market. It is further submitted that the current scheme also allows direct linking of bank accounts without the use of the UID Scheme for receipt of subsidy. However, it is also a fact that while a single person possessing two or more LPG connections, will be caught when he produces the same Aadhaar number against the multiple LPG connections, this violation could remain undetected in a bank account based transfer because he could provide different bank accounts for receiving the cash subsidy against his multiple LPG connections. Therefore, Aadhaar based cash transfer is superior to

bank account based transfer for establishing one person - one subsidized LPG connection regime.

lviii. That the contents of paragraph no. 6 (lviii) of the Writ Petition are baseless and denied. It is submitted that there is no biometric authentication prior to delivery, thus the statement is unfounded. It is submitted above that Aadhaar number is stored in a centralized database and linked to the basic demographics and biometric information - photograph, ten fingerprints and iris - of each individual. Any probability of finger print mismatch has been addressed by usage of Iris authentication. A combination of finger print and / or Iris authentication has the potential to attain near 100% success. The number can be verified and authenticated in an online, cost-effective manner, which is robust enough to eliminate duplicate and fake identities. Having such a process in place is likely to improve targeting of beneficiaries, curb pilferage and eliminate waste. The transfer of subsidy to the bank accounts does play a critical role in preventing diversion of subsidy as it removes incentive for diversion of the subsidized cylinders to the black market. Further the Aadhaar

based de-duplication has now detected around 8 lakh LPG connections afresh, which were not detected in earlier de-duplication process.

lix. That the contents of paragraph no. 6 (lix) of the Writ Petition are wrong and denied. The contents of paragraph no. 6 (lvii) above are reiterated.

lx. That the contents of paragraph no. 6 (lx) of the Writ Petition are false, baseless and completely denied. It is submitted that the UID Scheme is based on the deliberation of Committee of Secretaries, Empowered group of ministers and wide scale consultations. The UID Scheme is a strategic policy tool for social inclusion, public sector delivery reform and a facilitating tool though not compulsorily a pre requisite for accessing socio-economic benefit programs of the Government in the light of the greater good of the society. The key role of the UID Scheme is that of an enabler, that helps government design better welfare programs, enables residents to access benefits and services wherever they live, and allows agencies to deliver benefits and services effectively and transparently. The UID Scheme only

collects minimal data sufficient to provide unique identity, issue Aadhaar number after de-duplication, manage lifecycle changes and enable online authentication of identity. The Direct Benefit Transfer (DBT) is aligned with the objective of "Minimum Government, Maximum Governance" as the cash/benefits are transferred directly in the bank accounts of beneficiaries, preferably Aadhaar seeded, for achieving accurate targeting of beneficiaries, de-duplication and reduction of fraud, efficiency in the delivery processes.

lxi. That the contents of paragraph no. 6 (lxi) of the Writ Petition are baseless and denied. It is submitted that UID Scheme is a voluntary scheme and a person can opt not to enrol himself under the scheme. It is submitted that the Aadhaar is essentially a service-delivery tool, and is not designed for any other purpose other than proper identification of the intended beneficiaries. As long as a person is availing some benefits based on the UID Scheme, he/she does not have the need for an opt-out clause. Since the Aadhaar number is unique to a person, it cannot be transferred or used by anyone else. If a person dies,

the Aadhaar cannot be used and perishes with the person, so if someone does not wish to use the Aadhaar, it cannot be put to use by anyone else and will remain dormant. The use of Aadhaar is based on physical presence and the resident giving biometrics to authenticate. In case a person wants to opt-out from using his Aadhaar he /she is at liberty to not authenticate himself/herself.

ixii. That the contents of paragraph no. 6 (ixii) of the Writ Petition are wrong and denied. It is submitted that the DBTL restricts misuse of LPG subsidy as it eliminates the dual pricing of LPG cylinders thereby ensuring that cylinders move from OMCs to the consumers at market determined price. The transfer of subsidy to the bank accounts does play a critical role in preventing diversion of subsidy as it removes incentive for diversion of the subsidized cylinders to the black market. The current scheme allows direct linking of bank accounts without the use of Aadhaar for receipt of subsidy. However, it is a fact that while a single person possessing two or more LPG connections, will be caught when he produces the same Aadhaar number against the multiple LPG

connections, this violation could remain undetected in a bank account based transfer because he could provide different bank accounts for receiving the cash subsidy against his multiple LPG connections. Therefore, Aadhaar based cash transfer is superior to bank account based transfer for establishing one person - one subsidized LPG connection regime.

Ixiii. That the contents of paragraph no. 6 (Ixiii) of the Writ Petition are wrong and denied. It is submitted that Indian Oil Corporation Limited (IOCL) has reported on industry basis that a de-duplication exercise was conducted on the basis of 8.08 crore Aadhaar numbers which have been collected so far to find out the cases where same Aadhaar numbers have been found against two or more LPG connections thereby indicating two LPG connections by the same individual which is a violation of the LPG Control Order. The Aadhaar based de-duplication has now detected around 8 lakh such connections afresh, which were not detected in earlier de-duplication process. This clearly indicates that UID Scheme is a superior method of verification and would lead to the saving in subsidy by eliminating duplicate connections.

Ixiv. That the contents of paragraph no. 6 (Ixiv) of the Writ Petition are wrong and denied. It is submitted that given the legacy nature of the data base of Oil Marketing Companies (OMCs) and different kind of address proofs/address formats in a data base of 15 crore active consumers, it is humanly impossible to detect same address, same name LPG connections. Despite the operational challenges, a sophisticated software exercise has been done by the OMCs in conjunction with National Informatics Centre (NIC) to detect multiple connections based on name-address combination. But despite the sophistication of software, it is not possible to detect such duplicate connections with 100% accuracy. So far, one crore such connections have been blocked by the OMCs but only after an onerous verification. This exercise would have been much simpler to detect had Aadhaar numbers been available against all LPG connections as it conclusively proves multiple connections and no further verification is necessary. Regarding the contention of the petitioner that one can look at the consumption of connections and figure out whether it is a domestic or a commercial purpose exhibits

complete lack of understanding of the issue because given that the consumption of even 12 cylinders per annum, there is no way to identify commercial usage by looking at the consumption of a connection.

lxv. That the contents of paragraph no. 6 (lxv) of the Writ Petition are baseless and denied. It is submitted that the Non-Domestic Exempt Category (NDEC) is a special class of customers which covers the following and is treated exactly as domestic LPG customer:

- i) Govt. /Municipal hospitals for whatever purpose they take.
- ii) Supplies to all schools and colleges whether for hostels or for mid-day meals schemes.
- iii) Canteens attached to/Govt., offices (Govt., includes State Govt., and Local bodies and their installation & Guest houses etc.
- iv) Messes of Police, BSF, CISF in addition to kitchens & messes of the Defence establishment.
- v) Canteens run on Cooperative basis under Cooperative Societies Act.
- vi) Laboratories attached to schools, colleges & research institutions.

vii) Charitable institutions registered under the Societies Act.

The total number of NDEC consumers as on 01.04.2015 are 8.17 lakh and the sale to NDEC consumers during 2014-15 is 156.3 thousand metric tonnes.

lxvi. That the contents of paragraph no. 6 (xlvi) of the Writ Petition are wrong and denied. It is reiterated that the objective of Aadhaar and DBT are different. The Aadhaar provide unique identity after de-duplication and manage lifecycle changes and enable online authentication of identity. Direct Benefit Transfer (DBT) is aligned with the objective of "Minimum Government, Maximum Governance" as the cash/benefits are transferred directly in the bank accounts of beneficiaries, preferably Aadhaar seeded, for achieving accurate targeting of beneficiaries, de-duplication and reduction of fraud, efficiency in the delivery processes. The DBTL scheme has been devised to save the subsidy diversion. Given that subsidy burden on LPG is of the order of 46,458 crore

(2013-14) per annum, even a 10% saving would mean saving of subsidy of Rs. 4,600 crore.

lxvii. That the contents of paragraph no. 6 (lxvii) of the Writ Petition are baseless, unsubstantiated and denied. It is submitted that the use of existing identity documents to enrol for Aadhaar was based on the recommendation of Demographic and Data Field Verification Committee Report which states as follows:

"Another important aspect of demographic data collection is to ensure the correctness of the data at the time of enrolment of residents into the UID Scheme. While an elaborate verification system based on local enquiries and existing documents issued by various agencies can be used to verify the correctness of the data to a large degree, it is likely to result into exclusion of poor and the marginalised who normally do not have any documents to prove their existence and addresses. As the main purpose of the Aadhaar is inclusion, especially of the poor, the verification process has to be formulated in such a manner that while it does not compromise the integrity of the inputs, it also does not result in exclusion of the poor."

The Report has clearly stated that it is essential that

key demographic data is verified properly so that the data within UID Scheme can be used for authentication of identity by various systems. There are 3 distinct methods of verification:

- Based on supporting documents
- Based on introducer system
- Based on the NPR process of public scrutiny

All the above forms of verification are acceptable for Aadhaar enrolment.

In so far as Verification system is concerned, the report has further stated that one of the key goals of the UID Scheme is to be inclusive and ensure every resident is able to establish their identity. A copy of the DDSVP Report is annexed hereto and marked as **Annexure R-22** (Pg. 597 to 639)

It is submitted that the Petitioner has not understood the underlying concept and therefore has not appreciated the same. It is pertinent to understand the importance and relevance of the Introducer System. There are several situations, especially in the case of poor, where they are unable to provide any

supporting documents. Since the main goal of UID Scheme is inclusion, it is important that an effective process is developed to identify them and give a unique number without harassment. An approach is to use a network of "approved" introducers who can introduce a resident and vouch for the validity of resident's information. In the Aadhaar registration process, registration is proposed to be done through various registrars like the Banks, Insurance Companies, Central and State Government Departments. In each of these institutions, the introducer concept will work like a "tree structure" where one introducer may introduce more than one person. However, someone needs be the first introducer and be the "root" of this tree. The person at the root will be the person who will be "self-introduced". In other words, that person will be initially registered without any introducer. He will then introduce and get a number of persons registered. Till date, around 2,13,800 enrolments have been done through introducer system. The Introducer system has not been withdrawn and continues as it has proved especially beneficial for homeless, orphans and extremely marginalised section of the society, who

most need an identity. It is further submitted that stray cases of non-compliance do not detract from the overall beneficial effects of the scheme. It is further submitted to this Hon'ble Court that the Government does full investigation of any misuse of the processes involved in any enrolment and time taken for investigation is irrelevant to the issue at hand.

lxviii. That the contents of paragraph no. 6 (lxviii) of the Writ Petition are wrong, misconceived and strongly denied. It is submitted that the entitlements under National Food Security Act (NFSA) for the identified eligible beneficiaries are not linked to Aadhaar numbers. However, the Act lists out certain reforms in Targeted Public Distribution System (TPDS) which are to be progressively undertaken by the Central and State Governments. These reforms inter-alia include door step delivery of foodgrains to TPDS outlets, application of information and communication technology tools including end-to-end computerisation in order to ensure transparent recording of transactions, leveraging "Aadhaar" for unique identification, with biometric information of entitled beneficiaries for proper targeting of benefits under the

Act, etc. Thus, as already mentioned, the leveraging of "Aadhaar" is not a compulsory requirement for delivery of benefits under the Act, but is a reform measure to be undertaken progressively. However, by seeding of available Aadhaar numbers in the PDS beneficiary database would help in de-duplication of the beneficiaries' list, curbing the leakages and authentication of beneficiaries at the time of distribution of foodgrains at the level of Fair Price Shops.

It is submitted that in order to bring efficiency in delivery of benefits and their timelines with accurately targeting of intended beneficiaries, the Government extended Direct Benefit Transfer (DBT) to all schemes/projects that have components of cash transfers to individual beneficiaries. Accordingly Electronic Payment Framework to be followed by all Ministries/ Departments and their attached Institutions/PSUs and is applicable on all Central Sector (CS)/ Centrally Sponsored Schemes (CSS) and for all schemes where components of cash is transferred to individual beneficiaries, was laid down. In compliance of the orders dated 23.9.2013 and

16.4.2015 of this Hon'ble Court, it was clarified that no eligible beneficiary suffers for want of Aadhaar. Thus, the Aadhaar is preferred but it is not mandatory in DBT schemes.

ix. That the contents of paragraph no. 6 (ix) of the Writ Petition are false, vague, baseless and denied. It is submitted that in India there has never been a 'unique identifier' issued to all the residents of India in a uniform manner. Only different forms of domain specific identity markers, like ration card, passport, voter's identity card, PAN card, passports, etc. have been made available to the residents of India which came to be used as general identity document in the absence of a pure identity document like Aadhaar. The Election photo card (EPIC) is available only to population above 18 years of age, PAN cards to only Income tax assesses, driving license to those who can drive and ration card to those family requiring subsidised ration only. However, the UID Scheme is available to the entire resident population. The UID Scheme as a pan-India ID will be particularly useful for an estimated more than 300 million domestic

migrants particularly those moving from rural to urban areas.

It is submitted that the UID Scheme works on the following basic principles:

1. Each identity in the system must be linked to a real eligible person.
2. Each identity must link to one and only one eligible person in the system.
3. No person is able to obtain more than one identity.

It is reiterated that this is possible only by authentication (verification) with the Aadhaar database. It is confirmed that the UID Scheme, is not for issuance of an ID card but a number in a database.

lxx. That the contents of paragraph no. 6 (lxx) of the Writ Petition are purely in the nature of conjecture and are denied. It is submitted that the UID Scheme has not been created to track Aadhaar holders either physically or virtually. It is further submitted that any sharing of a resident information follows due process of law and regulations. It is further submitted that a

number of countries have adopted various forms of identity systems based on their country-specific needs. The motivation and rationale for identity systems in different countries are specific to the country and cannot be generalized.

lxxi. That the contents of paragraph no. 6 (lxxi) of the Writ Petition are wrong, misleading and therefore denied. It is submitted that the government has consistently maintained that the NPR is the first step towards the creation of NRIC. The government is not "trying to pass off NPR as NRIC". NPR contains the entire resident population - i.e., both citizens and non-citizens whereas NRIC which is a register of citizens is a subset of the universal set of population. It is only after creating a database of residents that their citizenship status can be verified.

It is further denied that databases of NPR and the UID Scheme are being merged. The NPR and UID Scheme have distinct and different databases. The NPR exercise requires the same level of biometrics information that is being used under the UID Scheme. The contention of the petitioner is to mislead the court

and displays inadequate or lack of understanding of the NPR process.

lxxii. That the contents of paragraph no. (lxxii) of the Writ Petition are wrong and denied. It is submitted that the basic data required for NPR / NRIC has been collected by door-to-door, house-to-house visits by designated officials of the Registrar General and Census Commissioner, India. Only the collection of photograph, 10 finger prints and 2 Iris prints are being done following the processes of the UID Scheme. This is only one of the processes among the many laid down for determination of residency/citizenship. The process of determining whether a person can be included in the NRIC is not arbitrary. It involves a detailed procedure, which has provisions for claims and objections and appeal. The petitioner is, therefore, incorrect in his contention that persons engaged by the private companies are deciding who shall be included in the NRIC.

lxxiii. That the contents of paragraph no. 6 (lxxii) of the Writ Petition are wrong and denied. It is submitted that the Citizenship (Registration of Citizen and issue

of National Identity Cards), Rules 2003 have been framed in exercise of the power conferred by sub section (1) and (3) of Section 18 of the Citizenship Act, 1955. It is further submitted that the rules clearly lay down the particulars in respect of every citizen that are required. This includes the National Identity Number. Thus, the Government is within its powers to determine the process of creating the NRIC and the issue of National Identity Number. Therefore, the contention of the Petitioner that Section 14 A is ultra vires and is violative of Article 14 and 21 of the Constitution of India, is not maintainable under law.

lxxiv. That the contents of paragraph no. 6 (lxxiv) of the Writ Petition are baseless and denied. It is submitted that the Office of Registrar General of India (RGI) is a Registrar of UIDAI eco system. BEL is a Sub-Registrar of RGI and the biometric are collected as per standards of UIDAI in the software provided under the UID Scheme. It is further submitted that the machines for capture of biometrics are certified by STQC, an Organisation of Department of Electronics and Information technology (DeitY) Government of India. Only STQC certified machines are used.

Also, the Enrolment Client Multi Platform (ECMP) Software, used at the time of enrolment, is developed, owned and maintained by UIDAI itself. All enrolment agencies, numbering almost 250 agencies, including BEL under the Registrar General, India are necessarily required to use this software only. As such, the allegation of the petitioner that BEL uses software developed by foreign companies is completely baseless and is directed at misleading this Hon'ble Court.

lxxv. That the contents of paragraph no. 6 (lxxv) of the Writ Petition are not denied in so far as they are statements of fact. It is, however humbly submitted that UIDAI had filed the referred SLP before this Hon'ble Supreme Court against the transfer of biometrics, on the premise that it would violate the privacy of the residents. This Hon'ble Court had upheld the stand of the UIDAI that no biometrics should be transferred to any other agency without the explicit consent of the resident.

lxxvi. That the contents of paragraph no. 6 (lxxvi) of the Writ Petition are wrong, false, misconceived and denied. It is submitted that no Aadhaar ID is generated at the stage of enrolment as alluded to in the paragraph. In case any malpractice is noticed or reported, action is initiated against the enrolment agencies as well as the operators. The Respondent undertakes concurrent evaluation of the enrolments and has performance monitoring in place. A wrong enrolment packet does not necessarily lead to the generation of the entire UID Scheme. There are several stages like de-duplication, quality checks etc. to assess the veracity of each enrolment packet. A total of 8 crore enrolment packets have been rejected for false or duplicate enrolments. Each enrolment packet is fully trackable and the operator and enrolment agency of any such irregular packet is liable for omission / commission.

It is reiterated that in the referred case, the matter was duly investigated by the Respondent. The operators/supervisors who were identified were immediately blacklisted and enrolment agencies were directed to take action against erring staff. Some of

the persons named in the so called sting operation could not be identified. Corrective measures were also taken to prevent any similar occurrences in the future.

Moreover, it is submitted that the introducer scheme was implemented under the UID Scheme to meet the requirements of the enrolling marginalised and poor residents and of minor children, whose particulars could not be confirmed in the absence of documents.

The scheme is a pro-poor measure and is designed to obviate the problems of these persons. While it is possible that in stray cases the prescribed procedures may have been deviated from, such stray incidents cannot detract from the overall beneficial effect of the scheme. It is also submitted that when a scheme has been carefully designed with a specific intent, the validity of the scheme cannot be challenged by citing stray incidents of breach.

lxxvii. That the contents of paragraph no. 6(lxxvii) of the Writ Petition are wrong, baseless and denied. It is denied that the Residents may use Aadhaar as

identity proof to lie low and enter into the system. It is reiterated that the objectives of the UID Scheme and NPR are different. Both the Schemes are deliberated in details at various fora before they came into existence. The creation of the National Population Register (NPR) / National Register of Indian Citizens (NRIC) and issue of a secure National Identity cards would strengthen the capability of the agencies involved in the maintenance of internal security to prevent espionage and terrorist activities.

lxxviii. That the contents of paragraph no. 6 (lxxviii) of the Writ Petition are vague, unsubstantiated and denied in entirety. The contents of the paragraph is based on a news article and is unsubstantiated. It is reiterated that de-duplication carried out under the UID Scheme on the basis of both finger print and iris, has significantly higher rate of success. In 2012, the enrolment accuracy study conducted with a gallery size of 84 million, provided definitive evidence that Aadhaar enrolment can exceed its accuracy goals. The False Positive Identification Rate (FPIR) was measured to be 0.057%. In practical terms, it means that at a run

rate of 10 lakh enrolments a day, only about 570 cases need to be manually reviewed daily to ensure that no resident is erroneously denied an Aadhaar number. The UIDAI currently has a manual adjudication team that reviews and resolves these cases. The False Negative Identification Rate (FNIR) was measured to be 0.035%. This implies that 99.965% of all duplicates submitted to the biometric de-duplication system are correctly caught by the system as duplicates.

It is submitted that UIDAI had published a report on the findings of a series of Proof of Concept (PoC) studies carried out by UIDAI from Jan 2011 to Jan 2012 on Aadhaar biometric authentication. The PoC studies focused on fingerprint biometric and its impact on authentication accuracy in the Indian context. The key findings of the report included:-

- Determining the 'best finger' of residents so that they can use their best fingers for authentication improves the authentication accuracy.
- Using the resident's best finger, single-attempt gives an accuracy of 93.5%.

- Using multiple (up to 3) attempts of the same best finger improves the accuracy to 96.5%.
- Juxtaposing Iris authentication with finger print authentication, will raise the level of authentication accuracy to almost 100%.

It is further submitted that Aadhaar authentication transactions have crossed 45.36 crores as on 31-03-2015. There are more than sixty thousand Aadhaar biometric devices working in the ecosystem. Till date no case of false acceptance has been reported. The acceptance rate of the biometric authentication system varies with each AUA (Aadhaar User Agency), depending on the level of control exercised by the User Agencies; for example the acceptance rate of Aadhaar enabled biometric attendance system (monitored environment) is over 99% while in the field (uncontrolled environment) the acceptance rates are between 90 to 93%. The roll out of Aadhaar based authentication services with the use of finger print and iris will help obtain almost 100% verifiable identity of the beneficiary or the resident. This is a significant improvement to the present system of disbursement of wages and benefits which leaves no record or data

about authenticity of the beneficiary. It is submitted that in the usage of the UID Scheme for welfare and subsidy management, the information and MIS being generated is significantly more accurate and useful for the agencies involved in these welfare and subsidy programmes and leads to savings in public expenditure.

lxxix. That the contents of paragraph no. 6 (lxxix) of the Writ Petition are vague, misconceived and hence denied. It is submitted that in India, where reliable and clean identity databases do not exist, usage of biometrics was considered to be the most suitable for carrying out de-duplication. It is submitted that the Petitioner is relying on the perspective of foreign situation which has no relevance to the Indian context. In case of Indian context, biometric usage for de-duplication was essential. The reference of policing or investigation and collection of evidence in the context of UID Scheme is misplaced and not understood. It is stressed that UID Scheme collects basic information of the resident and there is full confidentiality of the information so collected. The Petitioner presumption of utility of the Aadhaar

number for identification of terrorists and criminals is totally denied. The assertions of the Petitioner that Aadhaar is the first step to profiling, tracking and stereotyping is conjectural and is liable to be dismissed.

It is further submitted that the Aadhaar biometric system design has followed global best practices. In designing Aadhaar biometric system, existing state-of-the-art biometric systems were reviewed, the world's top biometric experts were consulted, proof of concept study was conducted and built biometric system that is currently considered to be world's best. The role of the UID Scheme in catching criminals or terrorists is merely a conjecture on part of the Petitioner. The contention that the Aadhaar database will specifically be the target of terrorists/criminal is absurd in face of today's reality where websites and databases of every variety are susceptible to such attempts and are required to take necessary steps to maintain their security.

It is submitted that the Aadhaar Security Policy and Framework for Authentication is available in public

domain. Relevant details regarding the stringent security measures and the rigorous protocols in place have already been extensively presented before the Hon'ble Court. These are listed as follows:-

- i) Biometric de-duplication is the process where the individual resident's biometric data (finger prints and Iris) is compared with the biometric data of all the other residents enrolled in Aadhaar to establish a resident as unique while rejecting duplicates. Biometric Service Providers perform this process of biometric de-duplication.
- ii) Biometric de-duplication software is hosted in a secure zone inside the UIDAI data centre.
- iii) All Data is hosted within the UIDAI data centre only, and has no connectivity to the external world.
- iv) The Biometric Service provider gets only an internal reference ID when the biometrics are shared with them. The service providers do not get any personal identification information (PII). The resident information is not passed to them. Therefore, they cannot establish a link between a resident's demographic and biometric information.

- v) Biometric service providers cannot store raw biometric image ever. It is only available with UIDAI.

It is further submitted that within UIDAI's data centres (CIDR), following security aspects have been implemented:

- i) Physical security outside and within data centres with access controls including biometric access control, physical caging, and 24x7 monitoring using cameras.
- ii) Logical security by partitioning data centre into "zones" separating them using firewall and network intrusion detection and prevention systems.
- iii) Complete isolation of Demilitarized Zones (DMZ), Partner DMZ, Staging, Production, and sub zones within production for biometric systems, quality check system, databases, etc.
- iv) Usage of HSM (Hardware Security Module) for key management, other standard security and data centre operations practices ensures that UIDAI's data centres are best in class.

- v) All data “access” is controlled using common access control scheme managed within internal LDAP (Light Weight Directory Access Protocol) and is audited.
- vi) Multi-vendor firewall, Network Intrusion Detection and Prevention systems, virus and malware detection systems are deployed. Usage of multi-vendor systems ensures that in the eventuality of any security compromise, it is limited to one zone.
- vii) Biometric and non-biometric validation of “all” enrolment packet for authenticity of source, authenticity of operators, and overall validity of data.
- viii) Every sub-system including the three biometric de-duplication systems are separated by firewalls.
- ix) Data is “partitioned” across multiple security “zones”, meaning “no” single database has all the resident data in completeness.
- x) Biometric data provided to biometric vendor systems (that are deployed within UIDAI data centres) are completely stripped of “any” Personal Identifiable Information (PII) means that none of the biometric sub-systems have any

understanding of “whose” biometric it is that they are processing. This is similar to how examination papers are evaluated by removing any student identity data to ensure anonymity.

It is further submitted by the Respondent that no instances of any material security breaches have been observed at any stage. It is highlighted before the Hon’ble court that UIDAI is a technically mature organization with a high level of competence and a strong culture of self-audit. However in order to further strengthen the security protocols, the Respondent is now also working towards obtaining an ISO 270001 certificate, which is globally accepted as the highest standard for IT security. This process would also involve third party audit by certified agencies and thereby provide further assurance on any residual concerns. The entire premise of the argument that the data is for surveillance purpose is completely baseless. By design the technology architecture of the UID Scheme precludes profiling individuals for tracking their activities including purpose for which they may have used Aadhaar. As such, it is vehemently denied that the agencies of the

government will track individuals on a real time basis using Aadhaar data for surveillance.

lxxx. That the contents of paragraph no. 6 (lxxx) of the Writ Petition are vague, baseless and denied. It is submitted that the UID Scheme data is consistently being used in a manner that is meant to promote the welfare of the citizens. It may be noted that a scheme like Aadhaar cannot be fettered in terms of its application by the initial articulation of benefits. So long as the balance between public good and privacy is maintained, further use of the scheme enhances the benefits to society and maximises the returns on investments made by the government. It is also submitted that a far reaching and IT compatible project like Aadhaar will find more and more takers for the obvious advantages of electronic applications, instant verification, low cost, wide coverage, reliability etc.

It is further submitted that as per the Allocation of Business Rules, 1961, the subject "Working Hours and Holidays for Government of India offices" is assigned to DOPT and instructions on office timings were issued

vide OM dated 7.11.1986. While the instructions of the D/o Administrative Reforms & Public Grievances prescribe maintenance and checking of attendance register, DOPT has issued guidelines/ directions on punctuality from time to time. As per the general instructions, suitable measures for enforcement of punctuality are to be evolved by the Head of Offices and Departments in the light of broad objective and general instructions in this regard. The sets of instructions guidelines etc. which have been issued from time to time have been consolidated and attached to this statement is annexed herewith and marked as **Annexure R-22**. (Pg. 640 to 659)

Biometric Attendance System without Aadhaar was introduced in certain Central Government offices/attached offices. Subsequently, a decision to introduce Aadhaar Enabled Biometric Attendance System (AEBAS) in Central Government offices, including attached/subordinate offices, was taken to replace the manual system/ biometric system without Aadhaar Number of marking of attendance to ensure punctuality. Thus AEBAS is just an electronic equivalent of the age old attendance register. This is

part of a contractual relationship between the Public servant and the Employer viz., Govt. Of India, wherein the former has consented to/agreed to the terms of service and is therefore, contractually bound to follow the rules and regulations as specified for him by his/her employer. There is no change in the instructions of punctuality, attendance, etc. The only change brought by the AEBAS is the method of marking attendance.

It is further submitted that the contention of the Petitioner that a person can never know what data is added to his profile is once again conjectural in view of the assertion that no further data is added to the resident data than what he enrolled with or such updation (like change of addresses etc.) the resident himself/ herself undertakes. It is reiterated that there is no way in which any data is added to a resident's profile except with the express consent of the resident and within the defined data fields of the Aadhaar software. It is submitted that enrolment agencies are working on Aadhaar software which does not permit capture of any additional data fields.

lxxxii. That the contents of paragraph no. 6 (lxxxii) of the Writ Petition are vague, baseless and denied. It is submitted that a number of countries have adopted various forms of identity systems based on their country-specific needs. The motivation and rationale for identity systems in different countries are specific to the country and cannot be generalized. Any comparison between UID Scheme and plans introduced in other countries are ab initio invalid and untenable. The cost involved in the implementation of UID Scheme is reasonable and justifiable, compared to the benefits accrued. Details of the benefits accrued by leveraging Aadhaar have been indicated in the preceding paras and the preliminary submissions. It is reiterated that the expenditure for the UID Scheme forms part of the Demand for Grants which is discussed and passed by the Parliament. The expenditure is also audited by the Comptroller and Auditor General of India.

lxxxii. That the contents of paragraph no. 6 (lxxxii) of the Writ Petition are vague and merit no response.

lxxxiii. That the contents of paragraph no. 6 (lxxxiii) of the Writ Petition are baseless and denied. It is submitted that a number of countries have adopted various forms of identity systems based on their country-specific needs. The rationale for identity systems in different countries are specific to the country and cannot be generalized.

It is submitted that with regard to REAL ID Act, REAL ID is a coordinated effort by the states and the Federal Government of the United States of America, "to improve the reliability and accuracy of state-issued identification documents, which should inhibit terrorists' ability to evade detection by using fraudulent identification. REAL ID implements a 9/11 Commission recommendation urging the federal government to 'set standards for the issuance of sources of identification, such as driver's licenses.' ". The REAL ID Act of 2005 also establishes "minimum standards for the production and issuance of state-issued driver's licenses and identification cards and authorizes grants to assist states in implementing the requirements". With regard to the Australia's ID card, it is mentioned that the same was in the nature of a Health Card.

In view of this, the Petitioner has failed to comprehend the nuances of the cited examples and the comparison with Aadhaar is out of place and is irrelevant.

It is submitted that a number of countries have adopted various forms of identity systems based on their country-specific needs. The rationale for identity systems in different countries are specific to the country and cannot be generalized. Indonesia's e-KTP is inspired and modelled on Aadhaar Program, and is in use since 2010. Mexico too, has a unique ID similar to Aadhaar Program aimed at improving service delivery since 2009. The concept of a unique ID is prevalent across the world and India is no exception.

lxxxiv. That the contents of paragraph no. 6 (lxxxiv) of the Writ Petition are wrong, baseless, misconceived and denied in entirety. It is humbly submitted that implementation of Electronic Service Delivery (ESD) is impossible without collection of requisite data about the residents. ESD enable the governments

".....to provide for electronic delivery of public services by the Government to all persons to ensure transparency, efficiency, accountability, accessibility and reliability in delivery of such services..."

It is submitted that there is no violation of the right to privacy under the UID Scheme which is a pioneering scheme for e-governance. The informed consent of the individual is a 'sine qua non' before issuing an Aadhaar number as well as for every further usage. The UID Scheme is a voluntary project with the object to promote inclusion and benefit to the marginalized sections of society who have no formal proof of identity vis-à-vis the State and who experience difficulties in accessing various welfare schemes that are implemented by the Government of India and State Governments. It is submitted that the Petitioner has failed to articulate how the issuance of a random 12 Digit Aadhaar Number to the residents of India on a voluntary basis amounts to an invasion of the Right to Privacy guaranteed to the subject/s under Article 21 of the Constitution of India.

lxxxv. That the contents of paragraph no. 6 (lxxxv) of the Writ Petition are wrong and denied. It submitted by Respondents that data security and privacy have always been of paramount concern for the Government. The technical architecture of the UID Scheme has been structured to ensure clear data verification, authentication and de-duplication, while ensuring a high level of privacy and information security. It is submitted that the UID Scheme is fully compliant with the International Covenant on Civil and Political Rights. The Government is determined to bring legislation on Right to Privacy which is at consultation stage. It is humbly submitted this Hon'ble Court in catena of judgments has opined, including in *Sharda v. Dharampal*, (2003) 4 SCC 493, held that the right to privacy in terms of Article 21 of the Constitution is not an absolute right. Again in *Bhabani Prasad Jena v. Convenor Secretary, Orissa State Commission for Women*, AIR 2010 SC 2851, this Hon'ble Court has held that there is no violation of the right to life, or privacy of a person, in directing a DNA test to be undergone by him - to undergo such test is not an invasion of his right to life. Similarly, the Bombay High Court in *Radiological and Imaging*

Association v Union of India [2011 (113) Bom LR 3107] has held that

".....the entire petition is based on the premise that the information stored in the silent observer which contains the images of ultrasonography on all patients will be transmitted on-line and will be available in public domain and thereby would violate the privacy rights of the patients undergoing ultra sonography. The entire premise and the apprehension based thereon is without any basis."

It has further submitted that right to privacy is not absolute and is subject to restrictions on the grounds of public interest. It also held that there are enough procedural safeguards to protect the privacy of the patients.

It is submitted that the UID Scheme only collects the bare minimum data that a resident opts to provide for obtaining social welfare benefits. If the requisite demographic data, with the consent of the resident, is shared in a fair, just and reasonable manner and for lawful purpose with adequate safeguards, then the

Right to Privacy cannot said to be said to be violated as enshrined under Article 21 of the Constitution.

lxxxvi. That the contents of paragraph no. 6 (lxxxvi) of the Writ Petition are baseless and denied. It is submitted that with regard to the cases quoted in the instant para, the same cannot be equated with the UID Scheme as the scheme practically seeks very little information.

lxxxvii. That the contents of paragraph no. 6 (lxxxvii) of the Writ Petition are wrong, baseless and denied in its entirety. It is submitted that the contentions of the Petitioner do not merit any consideration. It is submitted that by its very design the technology architecture of the UID Scheme precludes profiling individuals for tracking their activities including purpose for which they may have used Aadhaar. The Aadhaar is not designed to collate and pool various data and hence does not become a single central data repository having all knowledge about residents. It is further submitted that the Petitioner is only creating imaginary scenarios which are entirely contrary to reality. It is a matter of fact

that in any document in which the name of a resident is indicated, it may be reasonably possible to infer his religion, caste and geographical origin. This does not require any linkage to the Aadhaar database. In fact such information is more directly captured in the Census and aggregated results for the population are already in public domain. There is no concept of any "key" to Aadhaar nor does the Aadhaar number unlock any database. As compared to the information being sought for account opening by a bank, UID Scheme seeks very elementary demographic data. Further, it is vehemently denied that UID Scheme obtains pools or converges any data from the bank's database.

lxxxviii. That the contents of paragraph no. 6 (lxxxviii) of the Writ Petition are wrong, baseless and denied. It is denied that any Notification has been issued on the subject of data sharing. The Petitioner may be referring to an Office Memorandum issued by the Respondent on 28.6.2012 which is in fact a strong endorsement of the need to protect resident data. It is submitted that for the UID Scheme to have any utility, it is essential that the requisite minimum Aadhaar data has to be provided to the concerned agencies. It

is submitted that the Government has always been acutely conscious of the need to balance the data privacy concerns vis-a-vis the valid demand for use of data to provide services to residents. It is reiterated that the Government is determined to bring legislation on Right to Privacy which is at consultation stage. It is pointed out that the data sharing policy is limited only to the demographic details and photograph of the resident who has specifically given his consent for sharing his demographic details and photograph in order to avail the benefits of welfare schemes/facilities.

It is submitted that UIDAI has approached the Apex Court and obtained a stay on directions of lower judiciary to provide access to resident data for CBI as it was felt that this was neither the intention of the scheme and nor was the quality of the data suitable for this purpose.

lxxxix. That the contents of paragraph no. 6 (lxxxix) of the Writ Petition are baseless, misconceived and denied. It is submitted that the Government stringently follows a well-defined Data

Sharing Policy and even that policy limits sharing only to the demographic details and photograph of the resident who has specifically given his consent for sharing his details for availing the welfare scheme benefits. At no time the biometrics of a resident shared with any agency. It is further submitted that the contention of the Petitioner that individuals are parting biometric information without informed consent is denied. It is submitted that the following consent of the individual is obtained at the time of enrolment into the UID Scheme:

"I confirm that I have not enrolled earlier and information (including biometrics) provided by me to the UIDAI and the information contained herein is my own and is true, correct and accurate. I have no objection to the UIDAI sharing information provided by me to the UIDAI with the agencies engaged in delivery of public services including welfare services. I want the UIDAI to facilitate opening of a new Bank/Post Office account linked to my number and have no objection to sharing my information for this purpose with concerned Bank/Post Office."

processes for updation, modification, addition and deletion of data fields from the core database to be created under the Unique ID for below BPL project was set up on 03 July 2006.

It is submitted that a "Strategic Vision on the UIDAI Project" was prepared and submitted to this Committee. It envisaged the close linkage that the UIDAI would have to the electoral database. The Committee also appreciated the need of a UIDAI Authority to be created by an executive order under the aegis of the Planning Commission to ensure a pan-departmental and neutral identity for the authority and at the same time enable a focused approach to attaining the goals set for the XI Plan. The Seventh Meeting of the Process Committee on 30th August 2007 decided to furnish to the Planning Commission a detailed proposal based on the resource model for seeking its "in principle" approval. An Empowered Group of Ministers and the Union Government, took a well-considered decision in 2009 to approve the constitution of the Unique Identification Authority of India (UIDAI) under the aegis of the Planning Commission.

xc. That the contents of paragraph no. 6 (xc) of the Writ Petition are wrong, frivolous and denied. It is submitted that the contention of the Petitioner that individuals are parting biometric information without informed consent is denied. The UIDAI itself, in the matter of UIDAI v CBI has sought and obtained directions from this Hon'ble Court to not share any resident data. The judgement has been widely reported and is also available in public domain. Further, the draft NIDAI Bill, which is in public domain clearly spells out the intent of the government and indicates the specific circumstances under which the personal information provided would be lawfully shared with authorised government agencies. The contents stated in para (lxxxix) above are reiterated as correct.

xcii. That the contents of paragraph no. 6 (xcii) of the Writ Petition are false, misconceived and hence denied. It is denied that there is any disregard of equality before law. As regards non- arbitrariness, this cannot be a ground for any grievance. There is no merit in the assertion that private companies are

being used to identify "Indians" i.e. citizens are being identified. This assertion is borne out of ignorance on the part of the Petitioner as private agencies are only enrolling residents following the prescribed process. The UID Scheme is not about identifying non-citizens. It is submitted that the demographic and biometric data is completely secure and remains private. The assertion of exploitation of data and details is totally conjectural and not backed by any detail. It is further denied that private companies have any possibility of storing data of people of India as the data is encrypted at the stage of enrolment. It is further submitted that the UIDAI allows agencies to match demographic data collected from the resident against the corresponding data in the Aadhaar database. This allows for the use of Aadhaar number as a proof of the identity, including all attributes (Name, DOB, Gender, Address), and corresponds to how identity matches are done.

It is submitted that all of these uses are possible with the Aadhaar authentication API, which allows matching of individual demographic attributes. The match criteria may include conditions, or allow

approximate matches. This also allows additional checks against the identity of the users. For instance, a ticketing application may only want to know if a resident is above 60 years, to avail a discount, without necessarily wanting to know the date of birth of the resident. Similarly, a survey application may only need to validate the PINCODE of the resident, and not the entire data. The Respondent confirms that these applications are available to be used based on the express intention of a resident to use them.

xciii. That the contents of paragraph no. 6 (xciii) of the Writ Petition are vague and denied. The Respondent categorically states that the collection of minimal demographic and biometric data and fully secure end to end encryption as well as logical partitioning, firewalling and anonymisation of decrypted biometric data violates any fundamental rights of an individual. It is submitted that raw biometric data is never stored unencrypted anywhere even within the data centres. No database contains complete data (it is partitioned into multiple databases and zones for further protection) and vendors have controlled access to the data. It is submitted that

there is no question of Government facilitating any access to personal data of residents. Data access is only given when due authorisation is provided by resident. It is submitted that the allegation of the petitioner that there is a violation of fundamental rights is strongly denied. The Preliminary submissions with respect to data protection and security raised by the Respondent are strongly reiterated and are not repeated herein for the sake of brevity.

xciv. That the contents of paragraph no. 6 (xciv) of the Writ Petition are wrong, baseless, frivolous and denied. It is humbly submitted that the applicant's contention that it is essential to order a court-monitored investigation is nothing but an attempt to sensationalize the entire issue. It is submitted that the Petitioner has failed to provide an iota of evidence against any third party vendor for subverting any law of the land. It is submitted by Respondent that Data Security and Privacy have always been of paramount concern for the Government. The technical architecture of the UID Scheme has been structured to ensure clear data verification, authentication and de-duplication, while ensuring a high level of privacy

and information security. The Respondents emphatically deny that there is any reason whatsoever for destroying the database that forms the foundation of the UID Scheme.

xcv. That the contents of paragraph no. 6 (xcv) of the Writ Petition are baseless, vague and denied. It is humbly submitted only companies with subject expertise, deep-domain knowledge and proven track record have been entrusted work in the UID Scheme, in totally transparent manner, after following due process. Their work is carefully monitored and requisite action is taken in case any shortcomings are observed. Further, UIDAI has only entered into contracts with companies registered in India including M/s. L1 Identity Solutions Operating Company Pvt., Ltd. It is denied that due diligence has not been followed. The selection of contractors has been in accordance with the General Financial Rules which prescribe the procedures to follow in public procurement. The Scheme has been audited by the Comptroller and Auditor General, a statutory agency which found the procurement process to be without any such irregularity.

It is further submitted that Form 44 relates to Documents delivered for registration by a foreign company for registration in India by foreign company. Seeking Form 44 is not a requirement as UIDAI has contract with only those companies that are already registered in India. The Petitioner is confusing the role of UIDAI with the functions of Ministry of Corporate Affairs which administers and regulates registration of foreign companies in India.

xcvi. That the contents of paragraph no. 6 (xcvi) of the Writ Petition vague, repetitive, unsubstantiated and denied. It is reiterated that UIDAI takes appropriate action against the agencies for noncompliance of process and guidelines on enrolments. It has removed some agencies from the panel that have not performed as per established processes and guidelines. It is submitted to the Hon'ble Court that UIDAI had a policy of empanelment for one year and this was renewed in subsequent years. These 56 agencies that have been allegedly removed is not true. These agencies did not renew their request for empanelment for reasons that are

specific to their organization. The contention of the Petitioner is based on selective use of information and allegations are being made with malice and hence should be discounted.

xcvii. That the contents of paragraph no. 6 (xcvii) of the Writ Petition are wrong, frivolous and denied. The Petitioners' allegation that there is no supervision of the enrolling agencies is baseless and is denied. It is submitted that typically each contract between the registrars and the enrolment agency contains inbuilt mechanisms of review. In addition UIDAI has developed a robust monitoring and evaluation framework which provides a comprehensive mechanism for continuously monitoring and evaluation. Using information technology, end to end security is maintained from the time data is collected by an Enrolling Agency until it is safely stored in the UIDAI Data centre. Presently, UIDAI undertakes following audits on a periodic basis: (i) Enrolment Client Audit; (ii) Enrolment Process (Field) Audits; (iii) Authentication User Agency Audits; (iv) Data Centre Audits; (v) Security Audits; (vi) Impact Assessment

(Grants in Aid for Research); and (vii) Other Third Party Audit Services.

It is submitted that apart from the measures listed above, there are numerous other quality monitoring systems that have been put in place which are leveraging the information technology which is used in the Aadhaar programme. Performance Monitoring of the Enrolment agencies has been undertaken on regular basis and the enrolment staff to oversee and Concurrent Evaluations system has been put in place. In most of the cases the enrolment centres are opened under the supervision of the District Administration. These include sampling of enrolment based on the track record and past performance of their enrolments work, Field Monitors that undertake surprise checks of enrolment centres, coaches for training of the field enrolment staff, undertake constant analytics of the work based on the meta-data that IT enables. All these enables Government to monitor and keep a close watch on enrolments being undertaken at the field level.

xcviii. That the contents of paragraph no. 6 (xcviii) of the Writ Petition are wrong, misconceived and denied. It is humbly submitted that the Petitioner is only trying to mislead the Hon'ble Court with a malicious intent. The Respondent is not deliberately hiding any information from the Petitioner. The same may be evident from the RTI replies / First Appeal replies given by the Respondent to the petitioner. It is further humbly submitted that the petitioner has filed a Writ Petition before the Hon'ble High Court of Delhi alleging that UIDAI has colluded with CIC in denying information to the Petitioner. The matter has since been listed for hearing on 05.05.2015.

xcix. That the contents of paragraph no. 6 (xcix) of the Writ Petition is wrong, baseless, repetitive and denied. It is submitted and reiterated that all orders of CIC were complied with and the contents of paragraphs above have not been repeated herein for the sake of brevity.

c. That the contents of paragraph no 6 (c) of the Writ Petition are wrong, baseless, misconceived and vehemently denied. The contention is borne out of

total absence of understanding of the architecture of the UID Scheme. It is submitted to this Hon'ble Court that the various software used in the UID Scheme has been procured and/or specifically developed by vendors engaged by the Respondent and the Respondent has proprietary rights over such software. It is submitted that this does not in any way confirm that MNCs had ultimate control over the authentication of the people's identities as well as transactions which would be linked to Aadhaar, like DBTL for LPG or PDS. The Petitioner has failed to substantiate the manner in which alleged MNC would be privy to such processes. It is further submitted that no entity including any MNC has any access to any data relating to the biometrics and identities of the residents collected and stored under the UID Scheme. The collection of data during enrolment, using Aadhaar Software, ensures that the resident's data, including biometric information, is encrypted technology before even it is saved to the disc. It is submitted that the encryption used is the strongest available encryption in the world and it is impossible to decrypt and extract any information by any operator.

ci. That the contents of paragraph no. 6 (ci) of the Writ Petition are denied in entirety and the Petitioner is put to strict proof thereof. It is submitted to this Hon'ble Court that the procurement of services in engaging various vendors in the UID Scheme is strictly as per the General Financial Rules 2005. The Respondent has not hidden anything as is evident from its replies to the numerous RTI applications of the Petitioner on the subject. It is submitted that it is not required under the said Rules to enquire on the country of origin of the service provider if the said service provider is a duly incorporated and registered under the laws of India amongst other conditions. It is further submitted that the UID Scheme has been audited by the Comptroller and Accountant General since its inception, wherein most of major procurement of good and services happened and nothing adverse in this regard has been noticed in these Audit reports. The Petitioner's attempts at inferring security breach on the basis of alleged links of the service providers engaged by Respondents to security agencies of foreign countries is bizarre and

aimed at creating prejudice and to mislead this Hon'ble Court and is akin to rumour mongering.

cii. That the contents of paragraph no. 6 (cii) of the Writ Petition are baseless, vague, misconceived and denied. It is pertinent to appreciate two aspects. Firstly whether any contractor can divulge confidential information in its possession by virtue of being engaged in the UID Scheme and secondly, the nature of information shared with or in possession of the contractor under the said contractual arrangement. It is submitted to this Hon'ble Court that the Respondent had entered into a contractual arrangements with companies duly incorporated and registered in India, therefore, compliant with the laws of India governing them. Further the contractors were legally bound by the provisions of the Non-disclosure Agreement which binds them contractually under the laws of India and prevents them from divulging any confidential information. Even in a hypothetical scenario of breach of security, the contractor would under no circumstance be able to access and share with any other entity, the biometric data of the residents of India as alleged by the Petitioner. The aspects of data

security have been enunciated in para (lxxix) above and not repeated herein for the sake of brevity.

ciii. That the contents of paragraph no. 6 (ciii) of the Writ Petition are wrong, baseless and hence denied. It is categorically denied that the UID Scheme is in any way meant for or even connected to state surveillance techniques and powers. In fact, in the matter of UIDAI Vs CBI, UIDAI has sought and obtained a stay from the Hon'ble Supreme Court in order to maintain the privacy of data collected from residents.

civ. That the contents of paragraph no. 6 (civ) of the Writ Petition are vague, repetitive and denied. It is submitted that the contents of paragraph no. 6 (lxxx) are reiterated and not repeated herein for the sake of brevity.

7. That the contents of Paragraph No. 7 of the Writ Petition are formal in nature and therefore merit no response.
8. That the contents of Paragraph No. 8 of the petition are wrong and denied. It is submitted that the

Petitioner has no cause of action to file the present Writ Petition on any grounds taken in the said Petition.

PARAWISE REPLY TO THE GROUNDS

In response to Grounds, the Answering Respondents submits that the same appear to be reiteration/repetition of facts already dealt with above. Further, the Answering Respondents craves leave to refer to and rely upon the facts and submissions as stated in the preceding paragraphs as also in the preliminary submissions in response to the grounds urged in the present Petition. The Respondents further submits that the grounds sought to be raised in the present petition under reply are misconceived in law and do not arise in the facts and circumstances of the case.

A-D That the contents of Ground A-D of the Petition are incorrect and hence are denied. It is categorically denied that the Notification dated 28.01.2009 does not amount to law. It is once again reiterated that the Petitioner has overlooked the scope and ambit of Article 73 of the Constitution of India as the power of the Executive is coextensive with the Legislative

power of the State. Also, the fact that the Executive has an important role to play in the administration of the country. The Respondents have already dealt with this allegation of the Petitioner in detail in the preceding paragraphs, and as a result are not repeated herein for the sake of brevity.

- E That the contents of Ground E are incorrect and hence are denied. It is once again submitted that the UID Scheme is responsible for issuing unique identification numbers to residents on voluntary basis and not compulsorily. The enrolment for getting an Aadhaar number by any resident is purely a voluntary act. The scheme itself does not coerce or mandate any individual to part with their biometric information. It is further submitted that the linkage of delivery mechanism of the State to the UID Scheme is a well-thought of reasoned and a considered policy decision of the Government so as to reach out to the maximum number of correct and true beneficiaries and make optimum and best utilization of the welfare schemes of the State. The UID Scheme is not for preparing a database but to help the government implement public service programs effectively. It is also once

again reiterated that Right of recognition and identity is an important facet of Article 21 and it cannot be said that there is violation of fundamental rights as is being alleged by the Petitioner. Such a policy is also in line with the Directive Principles of the State Policy and does not violate any fundamental rights or any provision of the Constitution.

- F That the contents of Ground F are incorrect and hence are denied. It is reiterated that the suggestions brought by the Standing Committee of the Parliament with respect to a Bill submitted to it, are neither binding on the Parliament nor become a rider on the executive action of the Government taken under article 73 of the Constitution of India. The Standing Committee has been informed that in view of the government's decision to universalize Aadhaar enrolments and to utilize the UID Scheme for several service delivery initiatives, urgent steps and initiatives are underway that may include prioritising legislative measure. It is also submitted that the concerns of the Standing Committee in terms of technology, expenditure, duplication of effort, weak fingerprint among some section of society, global experience

have been adequately addressed by the Authority. It is vehemently denied that the Respondents committed any fraud and is trying to escape accountability.

- G. That the contents of Ground G are incorrect and hence are denied. It is reiterated that the UIDAI was created under the aegis of the planning commission and is fully entitled to enter into contracts and agreements. The Respondents have already dealt with this allegation of the Petitioner in detail in the preceding paragraphs, and as a result are not repeated herein for the sake of brevity.
- H. That the contents of Ground H are incorrect and hence are denied. It is denied that the reason for creating UIDAI under Planning Commission is to circumvent the normal accountability process. The Planning Commission like all other Ministries / Departments of Government is equally answerable to the Parliament through Minister in charge. The Demand for Grants of the Planning Commission is also approved by the Parliament. The resolution of the Planning Commission in 1950 states that the work of the Planning Commission will affect decisively the

future welfare of the people in every sphere of national life. To meet this end, the Government has been running various social welfare schemes for the marginalised and poor people of the country. However it was observed that the benefits were not reaching to a large number of people primarily the poorest and the most deserving, at the bottom of the pyramid for want of being able to prove their identity to service providers and agencies that dispense them. The Government took a conscious decision to identify its resident through UID Scheme and created UIDAI under the aegis of erstwhile Planning Commission. Further, Article 73 and 162 of the Constitution of India provides that, the Government is not debarred from exercising its executive power in the areas which are not regulated by specific legislation. It is the prerogative of the Government in discharging its executive function to allocate the work / department at the place where it is most suited.

- I. That the contents of Ground I are false and misconceived and hence are denied. The Answering Respondents crave leave to refer to and rely upon the

contents of the preliminary submissions which are not repeated herein for the sake of brevity.

J. That the contents of Ground J are incorrect and hence are denied. The allegation and the averments being made that Aadhaar number is being issued without proper verification is untrue. UIDAI maintains track of the documents submitted by the residents for enrolment. The process of empanelling as well as appointment of enrolment agency (private companies) is undertaken as per letter and spirit of General Financial Rules, 2005, which prescribes the background check to be undertaken. The Respondents have already dealt with this allegation of the Petitioner in detail in the preceding paragraphs, and as a result are not repeated herein for the sake of brevity.

K. That the contents of Ground K are incorrect and hence are denied. It is reiterated that only companies with subject expertise, deep-domain knowledge and proven track record have been entrusted work in the UID Scheme, in totally transparent manner, after following due process. The Respondents have already dealt with this allegation of the Petitioner in detail in the

preceding paragraphs, and as a result are not repeated herein for the sake of brevity.

- L. That the contents of Ground L are incorrect and hence are denied. It is reiterated that the UID Scheme is not designed to collate and pool various data and hence does not become a single central data repository having all knowledge about residents. Contrary to the contention of the petition, the UID Scheme is a step forward in ensuring right to identity and thereby fortifying Article 21.
- M. That the contents of Ground M are incorrect and hence are denied. It is specifically denied that the UID Scheme is entirely disproportionate to the objectives. It is once again reiterated that the UID Scheme is being used for bringing reforms in areas of education and Public Distribution System. The Respondents have already dealt with this aspect in detail in the preceding paragraphs, and as a result are not repeated herein for the sake of brevity.
- N. That the contents of Ground N are incorrect and hence are denied. It is reiterated the doctrine of

proportionality is not relevant in the case where no Fundamental Right has been breached and the government has acted rationally and in a balanced way, after due consultation with all stakeholders. The allegation of Petitioner is baseless and the contents of the preceding paragraphs are not repeated herein for the sake of brevity.

- O. That the contents of Ground O are incorrect and hence are denied. It is once again reiterated that UID Scheme is a voluntary scheme and a resident can opt not to enrol himself under the scheme. It is submitted that the UID Scheme is essentially a service-delivery tool, and is not designed for any other purpose other than used by the Government for proper identification of the intended beneficiaries. As long as a person is availing some benefits under the UID Scheme, he/she does not have the need for an opt-out clause. Since the Aadhaar number is unique to a person, it cannot be transferred or used by anyone else. The use of Aadhaar number is based on physical presence and the resident giving biometrics to authenticate. In case a person wants to opt-out from using his Aadhaar number, he /she is at liberty to not authenticate

himself/herself. The contents of the preceding paragraphs may also be read as part and parcel of the ground under reply.

- P. That the contents of Ground P are incorrect and hence are denied. The petitioner's allegation that collection of biometrics is not possible in a large number of manual labourers is baseless and is denied. The use of the Aadhaar number for MGNREGA and Old Age Pension clearly proves that upto 96 % beneficiaries are getting successfully authenticated and the rest are being paid using legacy systems without any denial of service. It is humbly submitted that UIDAI has conducted several Proof of Concepts (PoCs) across the country to scientifically study the accuracy and performance aspects of biometric authentication and come up with standards, certification schemes, best practices, and formal reports regarding biometric authentication. The said allegation of the Petitioner is baseless and should be rejected.

- Q. That the contents of Ground Q are incorrect and hence are denied. It is reiterated that the Consent of the individual is a *sine qua non* before issuing of a

Aadhaar Number as well as during its usage for disbursement of Government welfare schemes and the only object is to promote inclusion and benefit to the marginalized sections of society who have no formal proof of identity vis-à-vis the State and hence experience difficulties in accessing various welfare schemes. The technological architecture of the UID Scheme is designed in such a way, that it precludes anyone from profiling individuals for tracking their activities.

- R. That the contents of Ground R is incorrect and hence are denied. It is specifically denied that the UID Scheme is a farce and does not achieve the object for which it was created. The Answering Respondents have already dealt with the benefits and successes of the UID Scheme in practice and are not repeated herein for the sake of brevity. The successes achieved by the UID Scheme clearly indicate that it is a superior method of verification and would lead to the saving in government expenditure by eliminating duplicate "ghost" connections.

- S. That the contents of Ground S are incorrect and hence are denied. It is reiterated that the DBTL restricts misuse of LPG subsidy as it eliminates the dual pricing of LPG cylinders thereby ensuring that cylinders move from OMCs to the consumers at market determined price. The transfer of subsidy to the bank accounts does play a critical role in preventing diversion of subsidy as it removes incentive for diversion of the subsidized cylinders to the black market. The current scheme allows direct linking of bank accounts without the use of Aadhaar number, for receipt of subsidy. However, it is a fact that while a single person possessing two or more LPG connections, will be caught when he produces the same Aadhaar number against the multiple LPG connections, this violation could remain undetected in a bank account based transfer because he could provide different bank accounts for receiving the cash subsidy against his multiple LPG connections. Therefore, Aadhaar based cash transfer is superior to bank account based transfer for establishing one person - one subsidized LPG connection regime.

T. That the contents of Ground T are incorrect and hence are denied. It is submitted that connectivity is seldom a problem as the Aadhaar biometric authentication transactions are performed over the internet seamlessly using any of the modes of connectivity, namely, GPRS (mobile network), broadband, WiFi, etc. The Aadhaar authentication platform is ubiquitous, efficient and reliable. The simplicity of the UID Scheme at the front/user end is complimented by a state of the art, fully secure, high technology, best in class backend. Aadhaar authentication is possible by any resident from any anyplace at any time. The allegation of the Petitioner in the ground under reply is baseless and has already been dealt in detail in the preceding paragraphs and are not repeated herein.

U - V That the contents of Ground U & V are incorrect and hence are denied. It is submitted that Section 14 A of the Citizenship Act, 1955 which the Petitioner constantly relies to submit that the same is unconstitutional is unfounded as the UID Scheme is not a product of Section 14 A of the Citizenship Act, 1955. The UID Scheme is not a means to obtain the citizenship of the country, rather it is only a scheme to

provide identity to a resident of the country so that persons from all strata of society have access to government benefits/ subsidies as well as to prove their identity in public as well as private sector. Therefore, the contention of the Petitioner that Section 14A is ultra vires on the basis of the enrolment into the UID Scheme being violative of Article 14 and 21 of the Constitution of India, is not maintainable. The process of NPR/NRIC has inbuilt provisions to ensure transparency and accountability. It is not arbitrary and safeguards have been provided by way of social audit, authentication by the Police, vetting by the Gram Sabha/Ward Committees, authentication by the local authorities. It has also provisions for claims and objections and subsequent appeals and disposals. All the data has been collected by designated officials. Only biometrics collections is being done by engaging private agencies. This information along with other information will be verified by designated Government servants in order to establish the citizenship status. The Answering Respondent has dealt with these allegations in detail in the preliminary submissions, and are not repeated herein for the sake of brevity.

W. That the contents of Ground W are incorrect and hence are denied. It is reiterated that UIDAI does not share any biometric data with its partners / other agencies. Only the demographic data is shared, that too with the explicit consent of the resident/Aadhaar number holder. This is also in compliance with the order of this Hon'ble Court in SLP 2524/2014 dated 30-04-2014. Also, while personal information relating to the individual must be strictly protected from unauthorized access, there may be a need for Government agencies to access or share this data for purposes of national security, economic offenses, tax evasion and other specified circumstances. Hence, authorized sharing of information under specified circumstances, ipso facto, should not be considered as a violation of an individual's right to privacy. However, detailed processes, systems and guidelines need to be put in place to ensure that authorized access and sharing is within the parameters set by law.

X. That the contents of Ground X are incorrect and hence are denied. The Petitioner is only making bald, baseless and unsubstantiated allegations. The

Answering Respondent has already detailed above that the Expert bodies, Committee of Secretaries (COS), Group of Ministers (GoM) as well as Parliament had gone into all issues before Section 14 A of the Citizenship Act, 1955 was introduced. The scheme has also been field tested extensively. The schemes are well thought of and designed after careful deliberations with all stakeholders. There is no legislative vacuum in implementation and no violation of Rule of Law.

- Y. That the contents of Ground Y are incorrect and hence are denied. It is submitted that there is no basis to the petitioner's averments as there has been no attempt by the Government to disclose any persons' private conduct either in the past, or in the present and as such, the apprehensions are baseless and conjectural. It is reiterated that while personal information relating to the individual must be strictly protected from unauthorized access, there may be a need for Government agencies to access or share this data for purposes of national security, economic offenses, tax evasion and other specified circumstances. Hence, authorized sharing of

information under specified circumstances, ipso facto, should not be considered as a violation of an individual's right to privacy. However, detailed processes, systems and guidelines are in place which are continuing to develop to ensure that authorized access and sharing is strictly within the parameters set by law.

- Z. That the contents of Ground Z are incorrect and hence are denied. It is well established principle of governance in India that financial aspects in a project that seeks socio-economic development and benefits programme is not taken in to account. The UID Scheme is stemming and evolving from the identification of Below Poverty Line residents need not be viewed from the perspective of costs only. Even by early estimates of NIPFP Report dated November 2012, has shown that even after taking all costs into account, and making modest assumptions, that the Aadhaar project may yield an internal rate of return of 52.85 percent to the government. The benefits and

successes of the UID Scheme have already been dealt in detail in the preceding paragraphs and are not repeated herein for the sake of brevity.

The prayer clause is misconceived and denied. It is submitted that the Petitioner is not entitled to any relief much less than the relief as prayed for in the petition. In view of the facts and submissions stated above, the Answering Respondent most respectfully prays that this Hon'ble court may be pleased to dismiss the present Writ Petition with exemplary costs in favour of the Answering Respondent.

DEPONENT

VERIFICATION:

Verified at ____ on this ____ day of [•], 2015 that the contents of the above Counter Affidavit are true to the best of my knowledge derived from the records maintained by the Answering Respondents and nothing material has been concealed there from. The legal submissions are true upon legal advice received and believed to be true.

DEPONENT

ANNEXURE R-1

Ministry of communications & information Technology
Department Information Technology
Electronics Governance Division

ADMINISTRATIVE APPROVAL

Subject: Administrative approval for the project
"Unique ID for BPL Families"

I am directed to convey the Administrative Approval of the Competent Authority implementation of the project -"Unique ID for BPL Families" at a total estimated outlay of Rs.46.70 crores (Rupees Forty Six crores and [Seventy Lakhs Only) for a duration of 12 months to be implemented by NIC through NICSI. The total amount of Rs.46.70 crores is to be released from PIT as grant-in-aid to be met from e-Governance programme. The details of the project are given at Annexure-I.

This issues with the approval of Hon'ble Minister (MC &IT) vide diary no.8383 dated 6.02.2006 and concurrence of JS&FA vide diary no.8383 dated 21.2.2006.

(Krishna Bidani)
Deputy Director

Copy to:

228

1. Pay & Accounts Offices
2. Drawing & Disbursing SEctin (2 copies)
3. Deputy Financial Advisor, integrated Finance Division, DIT
4. The Principal Director of Audit Scientific Department I.P. Estate, New Delhi
5. The Managing Director, NICSI, 6tg Floor, NBCC Tower, 15 Bikajicama Place, New Delhi, with request to furnish the acceptance of the terms and conditions of Grant-in-Aid and Administrative Approval.
6. Director General NIC
7. Senior Technical Director (Ms. Rama Nagpal) < NIC
8. Shri R. Chandrashekar Joint Secretary E-Governance Group DIT
9. SD (SSG)/Dir (SA)/JD (MMK)/DD (KB)
10. Sanction File

(Krishna Bidani)
Deputy Director

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ANNEXURE R-2

Govt. of India
Department of Information Technology
(e-Governance Division)
Electronics Niketan

6, CGO Complex
New Delhi-110 03

Dated 3rd July, 2006

NOTIFICATION

Sub : -Setting up of a Processes Committee to suggest the processes for updation modification addition & deletion of data and filed form the core data base to be created under the unique ID for BPL families project

This is with reference to the project for Unique ID for BPL, Families to be implemented through NIC over the period of 12 months. As decided in the EFC meeting to consider the Unique ID for BPL Families project, a Committee to suggest the processes for updation, modification addition & deletion of data and fields from the core date is constituted with the following members:-

i	Dr. Arvind Virmani, Principal Adviser, Planning Commission,	Chairman
ii	Shri R. Chandrashekhar, Additional Secretary,	Member

	Department of Information Technology	
iii	Dr. M. Vijayaditya, Director General , NIC	Member
vi	Shri D.K. Sikri, Registrar General & Census Commissioner	Member
v	Shri Rajesh Agarwal, Director (Admn) Election Commission of India	Member
vi	Smt. Neelam Sawhney Joint Secretary (RHJ, MoRD	Member
vii	Smt. Amita Sharma Joint Secretary (NREGA) MoRD	Member
viii	Shri M. Rajamani Joint Secretary Ministry of Urban Development	Member

Yours faithfully

(S. Abbasi)
Director

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ANNEXURE R-3

RASHTRAPATI BHAVAN

New Delhi, the 4th December. 2006
Agrahayana 13, 1928 (S)

Subject: Constitution of an Empowered Group of Ministers (EGoM) to collate two schemes - the National Population Register under the Citizenship Act, 1955 and the Unique Identification Number Project of the Department of Information Technology.

It has been decided, with the approval of the Prime Minister, to constitute an Empowered Group of Ministers (EQoM) to collate two schemes—the National Population Register under the Citizenship Act, 1955 and the Unique identification Number Project of the Department of information Technology. The EGoM may also take into the methodology and specific milestones for early and effective completion of the Project and take a final view on these.

2. The composition of the EGoM, as approved by the Prime Minister, will be as under :-

Shri Pranab Mukherjee,

232

Minister of External Affairs;

Shri Shivraj V. Patil,
Minister of Home Affairs;

Shri H.RBhardwaj,
Minister of Law & Justice;

Shri Mani Shankar Aiyar,
Minister of Panchayati Raj,
Minister of Youth Affairs &
Sports and Minister of Development of North Eastern
Region; and

Shri Dayanidhi Maran,
Minister of Communications & information
Technology.

Special invitee

Shri Montek Singh Ahluwalia,
Deputy Chairman, Planning Commission.

3. The Empowered Group of Ministers (EGoM) will
be serviced by the Department of information
Technology.

(K.L. Sharma)
for Cabinet Secretary
Tele: 2301 5344

To

233

Shri Pranab Mukherjee, Minister of External Affairs. Shri Shivraj V. Patil, Minister of Home Affairs-Shri H.R.Bhardwaj, Minister of Law & Justice. Shri Mani Shankar Aiyar, Minister of Panchayati Raj, Minister of Youth Affairs & Sports and Minister of Development of North Eastern Region.

Shri Dayanidhi Maran, Minister of Communications & Information Technology.

Shri Montek Singh Ahluwalia, Deputy Chairman, Planning Commission

SECRET

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Minutes of the first meeting of the EGoM to collate two scheme
– the National Population Register (NPR) / MNIC under the
Citizenship Act, 1955 and the Unique Identification number
(UID) project of the Department of Information Technology
(DIT)

Date : 27-11-2007

Venue : 162, Committee Room, South Block

Time : 18:30 PM

Participants : List attached.

1. The Chairman initiated the proceedings by welcoming the members of the EGoM. He briefly enunciated the purpose and scope of the EGoM, which is to consider and devise mechanism for collating the two projects.

He referred to the two sets of data – one focused on citizens (under the MNIC project) and the other covering residents (under UID project).

He appreciated the efforts of MHA in implementing the MNIC pilot, the learnings from which would certainly facilitate further understanding and appreciation of issues that

essentially needed to be addressed at the national level for implementing an identity project.

He underlined the need and importance of a verifiable and credible database of individuals that would enable efficient and effective delivery of benefits to eligible individuals. In this context, he referred to the UID database that has been created based on the voter list of the Election Commission of India (ECI), which is the most credible and validated data on residents available in the country.

2. This was followed by the presentation on the UID project by Shri R Chandrasekhar, Additional Secretary DIT and on the MNIC/NPR project by Shri DK Sikri, Additional Secretary and RGI.

Salient Features highlighted in the two presentations included :

(I) UID :

- (i) Building upon existing data of residents (voter list), incrementally.
- (ii) Establishing linkages with major database holders such as MoRD, PDS, ECI and RGI.
- (iii) Leveraging technology to enable collaborative and intensive usage of the database by multiple agencies, to ensure extensive coverage and accuracy.

- (iv) Establishment of an authority both at the Centre and State(s) that will own, manage, maintain and operate the database as per laid down processes and forge ongoing linkages with identified agencies.
- (v) Initial linkage with ECI being established.

(II) MNIC/NPR :

- (i) The Pilot Project for test checking of process and technology almost completed in selected areas in 12 states and one Union Territory in the country. Distribution of identity (smart) cards to citizens in border as well as non-border areas is in progress.
- (ii) The Pilot Project has helped establish the technical specifications and technology for personalization of identity (smart) card indigenously. The card security against cloning has been ensured thru the Key Management System developed by NIC.
- (iii) Creation of National Population Register (NPR) of all the Residents with a single interface date at Census 2011 is recommended. National Register of Indian Citizens (NRIC) can be prepared as a byproduct asynchronously depending on the need Entries subsequent to the date in the NPR would be subject to verification of citizenship.

- (iv) De-novo creation of NPR is not recommended and it should be done alongwith Census 2011 to apportion costs. Cost of NPR creation will be lower if identity cards are given on demand and payment in non-border areas.
- (v) Data handling and management as well as its updating at tehsil/block level through local service centres (6000 in number) by linking them to births and deaths, is administratively feasible.
- (vi) The NPR so created are updated thru' births/deaths, can usher to Register based census in the country.
- (vii) The interregnum upto 2009 be utilised to develop indigenous technologies in areas which are in proprietary domain. Capacities in plastic and chip production are likely to be set up in the country once the intention of the government about the national roll-out is known.
- (viii) The identity card besides being a tool for identification for providing benefit/service, can become a multi-application card by increasing the memory size of the chip.

3. Remarks by Members :

- (I) Shri Shivraj V. Patil, Minister of Home Affairs :-

He pointed out that the information under the NPR / Census, relating to residents, can be collected only by the RGI and should be used for creating the identity database. DIT and its agencies can provide technology assistance for its updating and maintenance mechanism.

An independent and dedicated institutional mechanism/Authority should be created which is entrusted with the ownership of the database and made responsible for its updation and maintenance on an ongoing basis.

He also pointed out the flexibility that is available with reference to the information that can be stored in the cards issued to the residents. For instance, additional information relating to specific areas such as borders, hills, sparsely populated regions etc. can be stored in the cards for ready reference.

(II) Shri A Raja, Minister of Communications and Information Technology

He stated that the need for such an initiative is clearly established. It is now imperative that the efforts under the two projects are synergised, since they have the common purpose of creating an identity database of residents. He suggested that the most practical approach would be to host the database on computer systems and enable access by authorised persons/agencies by enabling connectivity.

He also emphasized the need for establishing an authority (a dedicate institutional mechanism) that would be responsible for regulating operations and maintenance of the database post its creation, since this aspect will assume central importance in the entire exercise that is being embarked upon.

(III) Shri Montek Singh Ahluwalia, Deputy Chairman,
Planning Commission

In the context of the major and persistent issue that Planning Commission is faced with relating to effective targeting and reaching of welfare benefits to eligible individuals under various government schemes and programmes, it would be useful to have smartcards based on UID.

He opined that the most practical and immediate way would be to build on the UID database, which is already in place, especially in view of the XI th plan objectives.

- (IV) Panchayati Raj : Shri BK Sinha, Additional Secretary, Panchayati Raj (representing the Minister) stated that the Panchayati Raj institutions (PRIs) are major creators as well as users of data relating to residents in their jurisdictions. Their role in the whole system should

effectively use their pivotal and constitutional position as the third tier of government.

Under the ePRI project that has been initiated by the PR Ministry in consultation with DIT, it is envisaged that village level (Gaon Sabhas) panchayats will be equipped to digitize and operate data at the village itself. This factor should be duly taken into account, while deciding the institutional mechanism for operation and maintenance of the resident database.

- (V) **Secretary, DIT**, apprised the members about the meeting held by the Union Home Secretary to consider issues relating to collation between the two schemes and the emergence of some suggestions on the approach that could be adopted in this regard. A note based on this deliberation is being finalised and will be placed before the EGoM at its next meeting. He also mentioned that a Detailed Project Report for creation of Central and State UID authorities has been supported by the Planning Commission 'in principle'. This shall also be placed, formally, before the EGoM in the next meeting.

4. **The Chairman's concluding remarks :**

- (I) It has clearly emerged that there is a need for creating an identity related resident database, regardless of whether the database is created based on a de novo collection of individual data or is based on already existing data such as the voter list and there is a critical and imperative need to identify and establish an institutional mechanism that will 'own' the database and will be responsible for its maintenance and updating on an ongoing basis post its creation.
- (II) The mechanism and process that the Institution would have to put in place to update and maintain the database will impact the overall effective implementation and achievement of outcomes that are being envisaged under the two projects.
- (III) In this context, the next meeting of the Group will need to consider :-
- (i) Methodology to be adopted for collation of the two schemes.
 - (ii) Ways for effective implementation and use of the database.
 - (iii) Identification of an institutional mechanism that will 'own' the

database and will be responsible for its maintenance, updating and usage on a ongoing basis post its creation.

(iv) Time schedule for operationalising the scheme/s

...

Participants of EGOM :

1. Shri Pranab Mukherjee (Minister of External Affairs)
2. Shri Shivraj V Patil (Minister of Home Affairs)
3. Shri A Raja (Minister for Communication and Information Technology)
4. Shri Montek Singh Ahluwalia (Dy. Chairman, Planning Commission)
5. Shri Madhukar Gupta (Secretary-Ministry of Home Affairs)
6. Shri Jainder Singh (Secretary – Department of IT, Ministry of Communications & Information Technology)
7. Shri BK Sinha (Additional Secretary – Ministry of Panchayati Raj)
8. Shri R Chandrashekhar (Additional Secretary - Department of IT, Ministry of Communications & Information Technology)
9. Shri D.K. Sikri (Registrar General of India, Ministry of Home Affairs).

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Minutes of the Second Meeting of EGoM to collate two schemes- the National Population Register (NPR/MNIC) under the Citizenship Act, 1955 and the Unique Identification Number (UID) project of the Department of Information Technology (DIT)

Date: 28.01.2008

Venue: 9, Parliament House

Time: 4.30P.M.

Participants: List attached

1. The Chairman initiated the proceedings by welcoming the members of the EGoM. He recapitulated the four key issues that were identified for further consideration in the first meeting of the EGoM (held on 27th Nov. 2007),
 - I. Methodology to be adopted for collation of the two schemes
 - II. Ways for effective implementation and use of the database
 - III. Identification of an Institutional mechanism that will 'own' the database and will be responsible for its maintenance, updating and usage on an ongoing basis post its creation.
 - IV. Time Schedule for operationalising the schemes/s.

He mentioned that the Agenda Note that has been tabled for consideration of the EGoM covers the strategy for collation between NPR and UID (based on the deliberations held by Home Secretary) as also the institutional mechanism that would own and operate the UID database post its creation. The presentation that will be made before the Group would, in addition to the agenda note, cover issues relating to effective implementation, usage and the time schedule for operationalising the scheme.

He also indicated that after the presentation, certain issues may need to be clarified such as progress of the MNIC pilot project and status of setting up of on lakh Common Service Centres (CSC). This would enable a realistic assessment of preparations that would be needed for NPR enumeration and collation of the two schemes.

2. The opening remarks of the Chairman were followed by a presentation by Additional Secretary DIT, Shri. R. Chandrashekhar. Copy of the presentation was circulated to the members. At the request of Home Secretary, a note on 'Effective implementation and use of use of data base along with institutional mechanisms for its management and maintenance' prepared by MHA was circulated to members with the permission of the Chair.

The salient features of the presentation by Additional Secretary.

DIT included:

- i. Background of MNIC and UID
- ii. Strategy for collation of UID and NPR (as detailed at Annexure I to these minutes)
- iii. Establishment of UID Authority
- iv. Approvals sought

In addition to the above, the presentation outlined the phased implementation model of UID based on linkages with partner databases, the possible approach to usage of UID/NPR database and the proposed time schedule for the schemes.

Approval was sought for the strategy proposed for collation between NPR and UID schemes and in principle approval for establishment of the UID Authority under the Planning Commission.

3. Following the presentation, the Minister of Home Affairs, Shri Shivraj V. Patil observed that the proposal to collect photographs and biometrics (for NPR) separately and subsequent to primary enumeration should be reexamined and suggested that the primary enumeration under NPR exercise ought to include collection of photographs and biometrics and only those who are left out in the primary round should be covered separately and subsequently.

The RGI explained that MNIC pilot has indicated practical difficulties in collecting biometrics and photographs in a single round of enumeration; necessarily, on an average, complete capture of photo and biometrics for a household involved a minimum of 3 rounds, hence the proposal for asynchronous capture of photo and biometrics so that the NPR enumeration could adhere to the census timelines,

The Home Secretary assured that the option suggested by the Home Minister would be examined particularly in the light of the 1 lakh CSCs that are being set up across the country under the DIT scheme. Accordingly the NPR proposal could factor in capturing of biometrics and photographs during primary enumeration under NPR to the extent feasible without affecting the timelines for Census.

Additional Secretary, DIT, informed that to data contractual arrangements for 72,000 CSCs with a 12 month implementation timeline have been finalized and for the rest, contracting is expected to be completed by March 2008. Accordingly by March 2009, it is expected that the CSCs will be physically operational and the infrastructure available therein could be leveraged for collection of photographs and biometrics for the NPR.

Home Secretary proposed that a pilot be undertaken immediately, to test the feasibility of incremental enumeration under NPR.

Minister of Panchayati Raj Shri Mani Shankar Iyer, pointed out that the Panchayati Raj Institutions (PRIs) constitute a major arm of Government machinery with close contact with people at the field level, particularly at the village level . He therefore suggested, that the PRIs at the ground level ought to be formally involved to play a pivotal role in the enumeration exercise that would be undertaken by the MHA for NPR specially with regard to collection of photographs and biometrics as well as for validating the data collected and in subsequent activities.

4. After the discussions, the Chairman summarized the decisions of the EGoM namely:

- i. Strategy proposed for collation of NPR and UID was approved. However, primary enumeration under NPR exercise could include collection of photographs and biometrics to the extent feasible without affecting Census timelines and only those who are left out in the primary round could be covered separately and subsequently.
- ii. Proposal to establish UID Authority under the Planning Commission was approved.

- iii. Planning Commission would ensure necessary approvals within the timelines indicated for creation and establishment of the UID authority.
 - iv. In principle approval was accorded for conducting pilot to test and work out feasibility of incremental enumeration under NPR.
 - v. CSCs should be utilized
 - a. For collection of photographs and biometrics for NPR.
 - b. For electronic data entry under NPR (from the filled schedules) to the extent considered appropriate and feasible.
- Pilot (as approved above) should include these aspects also while testing the feasibility of incremental enumeration.
- vi. The implementation of UID as per timelines annexed (Annexure II) was approved.
 - vii. The PRIs should be appropriately leveraged, to the maximum extent feasible, in collection of data for NPR/UID as well as its validation while cross linking with the designated agencies.

Strategy for Collation of UID and NPR

- UID expected to be in place by June 2008
- NPR exercise would be undertaken to the extent needed excluding biometrics & photo along with Census 2011
- Primary enumeration during NPR exercise to build incrementally upon UID database, to the extent feasible.
- ORGI & DIT to undertake a Pilot/PoC to determine feasibility of enumeration using UID database.
- In case this is not found feasible, data collection would need to be undertaken de novo.
- Resultantly, UID number would be transposed on the NPR database.
- Data Collected under NPR would be handed to UID Authority for maintenance & updation.
- NPR could thus become a partner (collaborative) data base in the UID scheme.

Time Schedule for the Scheme

S.No.	Milestone	Date
1.	In-principle approval of EGoM for establishment of UID Authority under Planning Commission	Jan 2008 (Step 1)
2.	Approval of UID Scheme	March 2008 (Step 1+2 months)
3.	Notification of UID Authority	April 2008 (Step 1+3 months)
4.	UID Generation and Allocation	June 2008 (Step 1+5 months)
5.	Linkage with MoRD/PDS Databases	June-Dec' 2008 (Step 1+11 months)
6.	UID ready for collation with NPR	April 2009 (Step 1+15 months)

List of Participants:

251

1. Shri Pranab Mukherjee, Minister of External Affairs
2. Shri Shivraj V Patil, Minister of Home Affairs
3. Shri H R Bharadwaj, Minister of Law & Justice
4. Shri Mani Shankar Aiyar, Minister of Panchayati Raj
5. Shri A Raja, Minister of Communications & Information Technology
6. Shri Montek Singh Ahluwalia, Dy. Chairman-Planning Commission
7. Shri Madhukar Gupta, Secretary-Ministry of Home Affairs
8. Shri Jainder Singh, Secretary-Department of Information Technology
9. Shri R Chandrashekhar, Addl. Secretary-Department of Information Technology.
10. Shri D K Sikri, Registrar General of India.

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